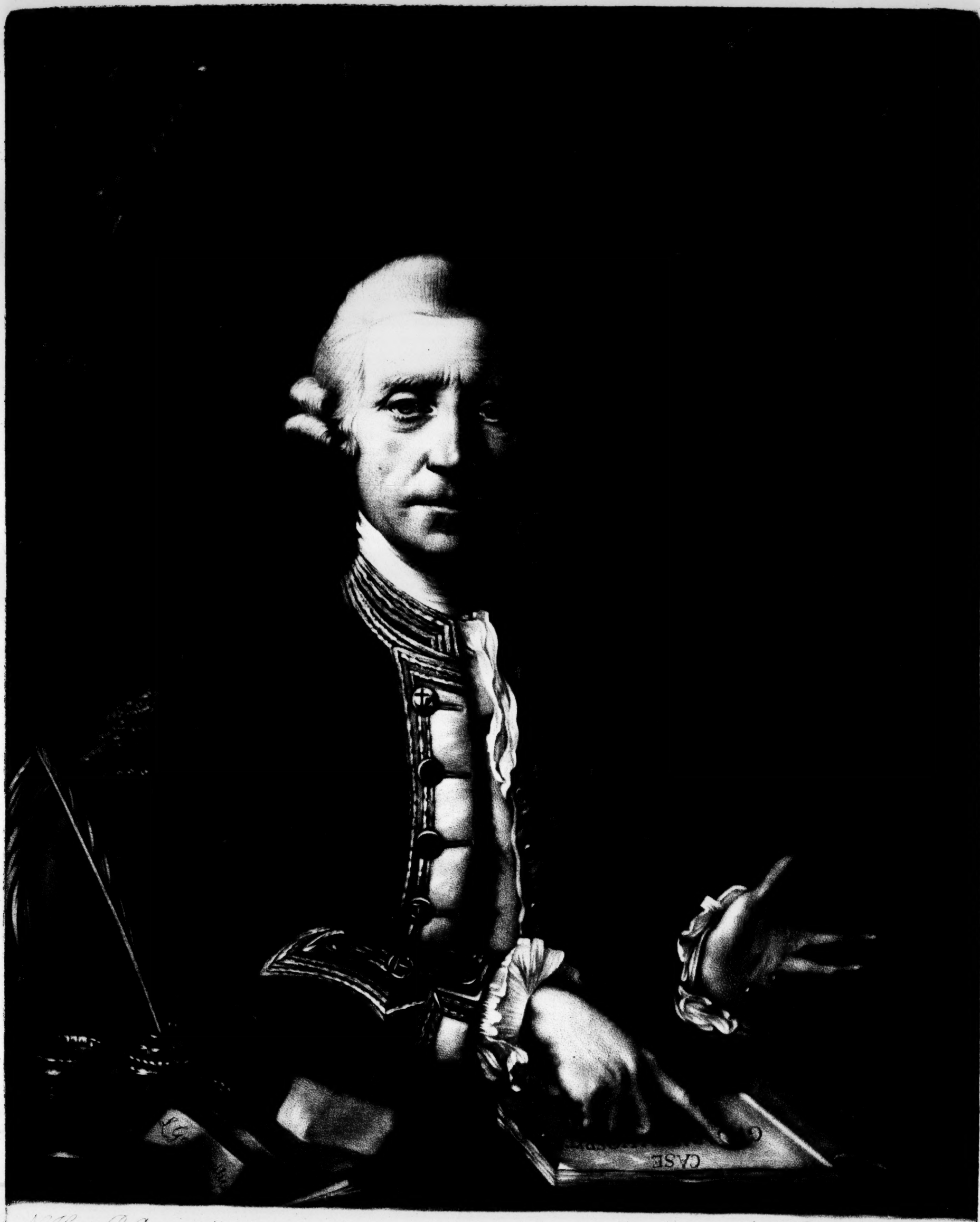
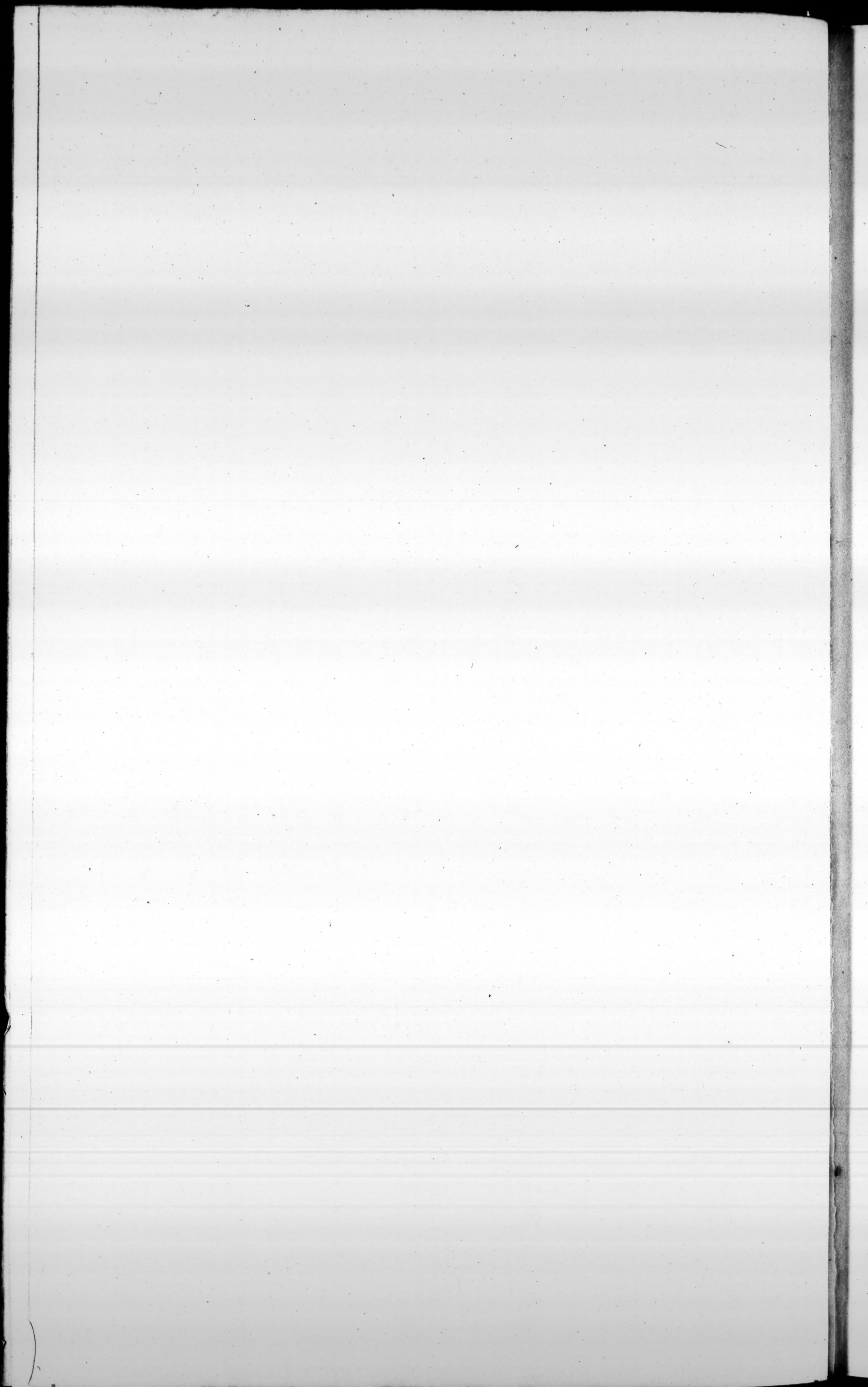




N. Flone R. A. pinnat.

CAPTAIN THOMAS BAILLIE.

J. Watson fecit.



1908/10

A
SOLEMN APPEAL
TO THE
PUBLIC,
FROM AN INJURED OFFICER,
CAPTAIN BAILLIE,
LATE
LIEUTENANT GOVERNOR,
OF THE
ROYAL HOSPITAL FOR SEAMEN
AT
GREENWICH;

ARISING OUT OF A SERIES OF

Authentic Proceedings in the Court of King's-Bench on Six Prosecutions

AGAINST HIM,

For publishing certain LIBELS (as it was alledged) in a printed Book, intitled the

CASE AND MEMORIAL OF GREENWICH HOSPITAL,

Addressed to the GENERAL GOVERNORS, in Behalf of Disabled Seamen, Widows, and Children;

AND THE EVIDENCE GIVEN ON THE

SUBSEQUENT ENQUIRY

AT THE

BAR OF THE HOUSE OF LORDS,

In Consequence of the several Prosecutions being discharged with Costs.

L O N D O N :

Printed for Captain Baillie by J. Almon, opposite Burlington House, Piccadilly; and may also be had of Captain Baillie, at Mr. Roberts, China-Man, near Hatton-Street, Holbourn. Price Two Guineas, stitched in Sheets, with a fine Engraving of Captain Baillie, in Mezzotinto, by James Watson, Esq. painted by Nathaniel Hone, Esq. of the Royal Academy, or separately, One Guinea each. MDCCLXXIX.



TO HIS GRACE THE
DUKE OF RICHMOND,
AND OTHER
NOBLE PERSONAGES,

Who had the Humanity to feel, and Generosity to support,

THE CAUSE OF SEAMEN.

MY LORDS,

WHERE can a persecuted and ruined Seaman fly for refuge, with so much propriety, as to those illustrious Personages, who, during the late tedious and intricate Enquiry into the Management of Greenwich Hospital, stood forth the Seamen's Protectors, and with such zeal and abilities, pleaded, though in vain, the cause of the aged and oppressed.

Many reasons tempt me to publish the proceedings at large in the Court of King's Bench and at the Bar of the House of Lords.

First, Because my enemies have industriously circulated, that there did not appear the least proof of any abuse in the management of the Hospital, in either of these great Inquests of the Nation, and quote the Report of the Select Committee of Directors, and such other flimsy documents to authenticate their falsehoods.

After the various and unparalleled persecutions I have suffered, it would be giving too great a triumph to my enemies, to let such extraordinary transactions die away in oblivion, without transmitting to posterity one trace of the oppressions I have endured, and the cause for which I have suffered. This is a second motive for my leaving an indelible monument of the cruelty of my oppressors; and though it will exhibit to after-ages portraits of the most shocking deformity, yet it will be some consolation, that the Disabled and Aged Seamen have not been entirely friendless; and though the support their cause met with from your Lordships, has been at present ineffectual, yet it may give hopes to the desponding Seamen, that on some future day they will be restored to their Rights, and their Charter preserved inviolate. To attain this great end was the favourite object of my life; and if I persevered in the pursuit with the spirit of a Reformer and the zeal of an Enthusiast, I am not even accused of any interested motives to myself—And though ruined and deprived as I am of my honourable and valuable office of Lieutenant Governor, earned by long and faithful service, all is not lost in the contest: my character, I trust, is preserved to me unblemished, having stood the fierce ordeal of the most envenomed persecutors, who either did me justice when they spoke to it, or faltered, and were in a manner tongue-tied, when they attempted to particularize their calumnies. I still hope to see the day, the long-wished for day, when the distinguished virtue and public spirit of so many great and noble Personages will be called into exertion, and that ye will have the power as well as the inclination and capacity to restore to the Navy their legal rights, and vigour to the mouldering frame of the constitution. I have the honour of being, with the most profound respect,

My Lord Duke,

And my Lords,

Your Lordships'

most faithful

and devoted Servant,

THOMAS BAILLIE.

DUKE OF BUCHMONT

7

THIS VOLUME CONTAINS,

Amongst other original and authentic Papers,

CAPTAIN BAILLIE's Letters to the Earl of Sandwich, to the Secretary of the Admiralty, Court of Commissioners, and select Committee of Directors, with the Answers thereto.

His Memorial to the General Governors, pointing out Abuses and proposing Remedies.

A List of Landmen appointed by Lord Sandwich to Offices of ease and profit in the Hospital, in preference to the honest Claims of Seafaring Men; a List of Navy Chaplains who actually receive an Annual Bounty from Parliament, as a Reward for their Service at Sea, whilst beneficed Clergymen, who have not been at Sea, are saddled upon a charitable Institution, principally supported by the Contributions of Seafaring Men; and also a general List of Landmen in and belonging to the said Hospital.

Authentic Proceedings in the Court of King's Bench in consequence of a Rule granted by the Court (on the Motion of Mr. Solicitor General) to shew Cause why an Information or Informations should not be exhibited against Captain Baillie for publishing certain Libels on the Persons named in the Rule, viz. The Reverend John Cooke, Domestic Chaplain to the Earl of Sandwich, Mr. Ibbetson, Secretary, and four other Landmen, all Officers of Greenwich Hospital.

Speeches of the Counsel and Judgment of the Court, taken in Short Hand by Mr. Blanchard.

Counsel for the Defendant, Mr. Bearcroft, Mr. Murphy, Mr. Peckham, and the Honourable Mr. Erskine.

For the Prosecutors, Mr. Solicitor General, Mr. Newnham, Mr. Macdonald, Mr. Dunning, Mr. Lee, and Mr. Morgan.

The whole Evidence as given at the Bar of the House of Lords, with some occasional Debates in the Course of Fifteen Days Enquiry into the once sacred Charity of Greenwich, most nobly founded by King William, and as amply endowed by his Royal Successors.

The Speech of his Grace the Duke of Richmond at the opening and close of the Evidence.

Abstracts of other Noble Lords Arguments, with such Papers and Letters as are necessary to corroborate the Evidence and elucidate the whole Proceedings, carefully transcribed from original Papers, private Notes, and authentic Documents; all which have been collected with great Labour and Expence from numerous Materials, in order to render the Work as accurate and complete as possible.

ADVERTISEMENT.

A D V E R T I S E M E N T.

AS several unauthenticated Pamphlets have been distributed, injuriously reflecting on the character and conduct of Captain Baillie, the late Lieutenant Governor of Greenwich Hospital, the several prosecutions against him for publishing a supposed libel, misrepresented and but little understood; the evidence given at the bar of the House of Lords in the seamen's cause, mutilated or retailed from memory only—Captain Baillie feels it a duty he owes to his own character, the seamen, and his country, to state and submit the proceedings at large to the candour and discernment of the public. To the end that They may know and judge on what ground the Lieutenant Governor of a national institution was turned out of his office, and whether in the whole course of the evidence or proceedings there is a colour of a pretext on which to ground his ruin or removal from his employment, or to say that the grievances of the seamen (grievances in which he had no personal interest) were not founded in fact at the time he represented them to the general Governors, which was as soon as possible after he had caused the Huntingdon Butcher to be prosecuted and convicted in a public court of justice, and seeing contract after contract renewed with the same person, and being tired out with the fruitless remonstrances he had made on other grievances to the Council of the house, to the first Lord of the Admiralty, Board of Admiralty, and Directors; he conceived it to be his duty, his indispensable duty, to lay these and every fraud and abuse that came within his knowledge before the General Governors as soon as he could authenticate the facts, not doubting but a fair and efficient General Board would be held agreeable to his request, that justice might be done, and a reformation take place. But instead of that, what has been the consequence? and what is the language now proclaimed to the public? That no abuses exist: and true it is some of them do not exist at the present moment, because during the intermediate time of the representation of these stubborn facts, and the late enquiry at the bar of the House of Lords, one whole year had elapsed, in which time, though the torrent of abuses was politically checked; no permanent remedy was applied, either by the removal of the Landmen or the Contracting Butcher---the two great sources of all the evils, heart-burnings, jealousies, and discontents which grow in that Hospital; and as the management of the charity is still under the same influence, in the hands of the same persons, is it not rational to suppose that similar practices will be reiterated on the helpless Pensioners? especially as the man who dared to attack abuses, is sacrificed in order to deter others from pursuing so dangerous a precedent—A man disabled in the service of his country, and placed in Greenwich Hospital as a reward for those services, is at last, in the evening of his day, on the bare report of a Committee of Seven Directors, signed only by two members, driven out of his honourable and valuable office in the face of the nation, without a shilling in his pocket, his wife and family ruined, his goods and chattels sold by public auction to pay the expences brought upon him by his merciless persecutors and prosecutors, whose great object was to commit his body to a prison, after they had deprived him of his office worth near 10,000*l.* yet it is still to be hoped the hour is approaching when a reform will take place, and that the lazy, luxurious Landmen of the Hospital, who have only fought the battles of the Borough of Huntingdon, will find themselves removeable by a virtuous Minister, or at least by a public writ of Quo Warranto, notwithstanding their late triumph over Seamen, grown old or disabled in the service of their country, and in open violation of the Charter.

G E N E R A L I N D E X,

In which the Proceedings of the Court of King's-Bench are referred to in Numerals, as they are there paged; and in the House of Lords, in common Figures.

A.

A BSTRACTS of collateral Affidavits sworn before the Judges, and filed in the Court of King's-Bench, from page xi to xvii.
 Abstracts of the proceedings of the General Court and Directors, on the printed Case, i, ii, iii.
 Allwright, Thomas, First Captain of the Hospital, his evidence, xii. 33, 34--87--135.
 — His character, by Sir John Fielding, 161.
 — His non-attendance in Council, and reason, 87.
 Ansell, William, Lieutenant, swears to a faction of Landmen, xii.
 Appointment of Landmen and others, 16 to 25.
 — of the first Chaplains, 20 to 22.
 — of Select Committee of Directors, 75.
 Articles of abuses on which the enquiry was founded, 2.
 Attendances of Select Committee, 83--174, 175.
 — of Council Officers, xliii.

B.

Baillie, Thomas, Lieutenant-Governor, his evidence, 4--24 to 30--37 to 56--61 to 67--69--74--76 to 82--126 to 129--132--138.
 —, He offers fair and impartial evidence to the Committee of Directors, 132 to 133.
 —, He complains to the Directors of the robberies of the butcher's servant, 25.
 —, He carries the butcher's servants to be examined before a magistrate, 36.
 —, He carries their evidence, upon oath, to the Governor, of the frauds of the butcher, 26.
 —, His character, xi to xvi.--92--132, 133--135--143.
 Ball, Daniel, Deputy Clerk of the Council, his evidence, 25--42--47 to 49--52 to 55--129.
 Bargain, signed and sealed, for the Chaplaincy, 145, 146.
 Barker, J. Esq. Deputy Chairman of Select Committee, his evidence, 104 to 107.
 —, Clears the room, 106.
 —, Swears that he signed for seven days, though he only attended two, 107.
 —, He acknowledges that the washing amounts to 1400l. a year, that he took the evidence of the people who washed it, but not of those that wore it, 106.
 Bearcroft, Edward, Esq. King's-Council, speech of, xvii. to xxii.
 — His evidence, on the negociation, 138.
 Beef bad, bull, and bullstags, from September to June, 29 to 37.
 —, Price of ditto, 36--185.
 Beer, bad, xvi.--54 to 56--169.
 —, 4000 gallons started by the Council, 54.
 —, Mixt with water at the brewhouse, 54--169.
 Bertels, John, painter, his evidence, xiii.--109.
 Besson, Lieutenant Charles, his evidence, 150 to 157.
 —, Requires a written order, 156.
 Bolton, Mrs. sixteen years in the Hospital without being complained of, she swears to sundry abuses and menaces, xv.

Bonniface, John, swears to ill usage; destruction of his own and other cabins, for Mr. Secretary Ibbetson, xiii.
 Boone, Elizabeth, swears to an outrage in the Infirmary, xvi.
 Boxley, Mr. Deputy Treasurer, his evidence, 135.
 Breaches of the new Charter, 180.
 Breach and renewal of the Contract, 27.
 Breach of Privilege, 57 to 61.
 Brown, Lancelot, Esq. Counsel, his evidence, 138.
 Butcher's man transported for robbery, 25.
 Burrell, Sir Merrick, one of the Select Committee, his evidence, 133, 134.
 —, His character of Captain Baillie, 135.
 Butler, Charles, Esq. Agent and Counsel to the Earl of Sandwich in the Greenwich Hospital business, his evidence, 111 to 118--140.
 —, His unchristian like allusion to Captain Baillie, 117.

C.

Camden, Right Honourable Lord, Abstracts of his Lordship's speeches, 71--187 to 189.
 Caverdill, Mr. an old seaman, he swears to the general joy of the pensioners, on the restoration of their cabins, and that if there had not been a reformation in the provisions, himself and many more pensioners would have died for want of proper food, xvi.
 Chadds, Captain, his evidence, knows every minute circumstance concerning the conduct of the Lieutenant-Governor, but totally ignorant of every thing else, 146 to 149--161.
 Charity Stock, &c. 44 to 46.
 Charity Boys, treatment of, xiv to xv.
 Charter, alterations in, xliii.--4 to 10.
 — new, violated, 180.
 Cipriani, Baptist, painter, his evidence, 164.
 Civil Officers to be seafaring men, 188.
 Clerks, not seafaring men, lodged in the pensioners cabins, 39.
 Committee of Directors, burlesque upon, 176.
 —, their appointment, 185.
 —, refuse to examine the Infirmary, 96.
 —, refuse to examine into the danger of fire, 84.
 —, refuse to examine the shirts and sheets in the Wards, 84.
 —, two Members of, sign the report upon which the Lieutenant-Governor was turned out, 91--102.
 —, suffer the Lieutenant-Governor to be abused in their presence, 99.
 —, find themselves in a very delicate situation, 102.
 Contract obtained by collusion, 32.
 Contracting butcher will serve Greenwich Hospital, 26.
 —, He tells the Board of Directors, no complaint was ever made of his meat, till that troublesome fellow the Lieutenant-governor got into office, 26.
 Contracting Taylor permitted by the Civil Officers to sell gin in the workshop over the Chapel, 160, 161.
 * B Contracts

I N D E X.

Contracts renewed after conviction for fraud, 27,
28—101—185.
Conviction of the contracting butcher, 28.
Cooke, Rev. Mr. his evidence, 108; 109—141 to
146.
——, His declaration, that bull and bull-stag beef
was good enough for the pensioners, 37.
——, Bargains for his Chaplaincy, 145 to 146.
——, He pays money for his Directorship, 46 and
169.
——, His anathema on Lieutenant Lefevre and
family, 72.
——, His character of Captain Baillie, 143.
——, He calls the Lieutenant-Governor a black-
guard, rascal or scoundrel, in the presence of the
Committee, unproved, 99 and 106.
Cooke, Francis, Clerk to the Committee, his son
made Lieutenant of a man of war, having only
been two years and a half at sea, instead of six
years; and only seventeen years old instead of
twenty, 82.
Council Minutes, to bad provisions, bad beer, bad
washing, bad stockings, and various abuses, 26
—42—47—49—52 to 56.
—— Not summoned upon the fire, 135.
—— Officers, by sea or land, their names and ap-
pointments, 24.
—— Over-ruled by landmen, 88—92.
—— Complain to the Board of Directors of va-
rious abuses, 26—42—47—52 to 56.
—— Write to Sir Charles Hardy, the Governor,
complaining of the inattention of the Directors,
and of the mal-practices of the Clerks and Con-
tractors, and inclose old records to stimulate
him to look into the affairs of the Hospital, 52.
—— Inclose their Minutes to Sir Charles Hardy,
upon a complaint from all the pensioners touch-
ing their bad beer; and depute the Lieutenant-
Governor to wait upon him, hoping he will
take some method with the Board of Directors
for the relief of the pensioners, 56.
Council's answer to the Board of Directors, concern-
ing the irregularity of the pensioners, and report
the cause, unanimously, 42.
Cowley, Thomas, concerning the conduct of the
Committee of Directors, 82 to 88—107.
Cust, Peregrine, Esq. concerning his own conduct, and
of the Committee of which he was Chairman, 94
to 104.
He refuses impartial evidence, 98.
Acknowledges that the report, concerning the men's
shoes, and women's cloaths is defective, 98.
——, His character of Captain Baillie, 101.

D.

Day, John, a pensioner, barbarously beaten by Mr.
Ibbetson, the Secretary, xiii.
Debates of several noble Lords, abstracts of, 1, 2, 3.
57 to 61.
—— On the denunciation of the Rev. Mr. Cooke,
as from the Earl of Sandwich, 70 and 71.
Deficiency of linen, xiii—62.
Destruction of cabins, xiii.
Dismissal of the Lieutenant-Governor, xl.
Directors write to the Council to know the cause of
the irregularity of the pensioners, and their opi-
nion of the Butler's and Chalk-off Lists, 42.
Directors Minutes on various matter, 6—26—42
48.
Dunning, John, Esq. speech of xxxvii.

E.

Eden, William, Esq. his evidence, 10 to 13.
Erskine, Honourable Thomas, speech of, xxv to xxx.
Everest, Tristram, Solicitor of Greenwich Hospital,
concerning the Charter, 6 to 10—69.
——, Offers to lay a wager the butcher's man will
be acquitted, 25.
—— He looks for old papers, 189.
Evidence, contradictory, of Sir William James, Mr.
Barker, Directors, and Captain Allwright, 169.

Evidence, contradictory, of Mr. Butler, Mr. Murphy,
and the Rev. Mr. Cooke, 183.
——, Of twenty pensioners taken promiscu-
ously, rejected, 97 and 98.
Evidence rejected at the General Court, 80.
Evit, Anne, swears to an outrage in the Infirmary,
xvi.
Extracts from the Minutes of General Courts, con-
cerning the appointment of seafaring men 179

F.

Faction of landmen xii—92.
Farril, Robert, concerning the treatment of the cha-
rity boys, xiv.
Field, Thomas, he swears to a great deficiency of
linen, xiii—62.
Fielding, Sir John, concerning the fire in the Hos-
pital, 159.
—— He compares the Taylors shop, in Green-
wich Hospital, to out-laws in a ship, 160.
Fire, concerning, 67, 68.

G.

General Court, a full and efficient one requested by
Captain Baillie, to take the Case of Greenwich
Hospital under consideration, vii—173.
—— Minutes of, on various matters,
4—9—75—185, 186.
—— Summoned, of all the Members, ex-
cept the Princes of the Blood, on Mr. Ibbetson's
suggestion, 16.
—— Recommend Officers to the Admi-
ralty, to be appointed, 12—21—188.
Gibbs, John, Boatwain, he swears to the joy of the
pensioners on being restored to their cabins; to
the dismissal of the Guardian of the boys for
huzzaing, to bad shoes, &c. &c. xiv.
Glas, John, Boatwain of the Painted Hall, expelled
for huzzaing the Lords, 109 to 111.
—— Concerning the Painted Hall, xii.
Godby, John, Steward of the Hospital, his evidence,
33—47 to 51—62 to 65—129.
—— His endeavours to suppress evidence, 36.
——, His Clerk, and Checks Clerk, also endea-
vours to suppress evidence, 36.
Gordon, first Lieutenant of the Hospital, he swears
to bad shoes and stockings, and faction of land-
men, &c. &c. xii—91 and 92.
Governor, Sir Charles Hardy, his attendances at
Council, xliii.
—— He attends once a year, instead of once a
week, as ordered by his instructions, 24.
—— He threatens Alexander Moore, the Cook,
93.
Gough, Boatwain, an old seaman, broke for not
pulling off his hat to the Rev. Mr. Cooke,
xv—93.
Greenwood, John, Painter, concerning the Painted
Hall, xiv.
Granger, Charles, to various impositions on himself
and brother pensioners, xiii.
Gregory, William, Chapel Clerk, swears to the in-
decent manner of interment, and that the Chap-
lain points his sermons at particular persons,
whom he does not chuse to name, xvii.

H.

Hicks, Mr. Sixpenny Receiver, and prosecutor, moves
for the dismissal of the Lieutenant-Governor,
104.
Hooper, Benjamin, Boatwain, swears to the extortion
of the Hospital Barber, to the insufficiency of
shoes, stockings, &c. &c. xiii.

I.

James, Sir William, one of the Committee of Di-
rectors, his evidence, 130 to 132.
——, His character of Captain Baillie, 32.
Ibbetson,

I N D E X.

Ibbetson, Mr. Secretary to the Hospital, his evidence, 4 to 6—9—16—21—26 to 29, and between 42, and 56—137.

— His instructions, first article read, 53.

— His curious anecdote, 56.

— His barbarity to a poor pensioner, xiii.

Jenkins, Sufannah, to a violent outrage in the Infirmary, by order of Captain Maplesden, xvi.

Intimidations to evidence, xi, xii—xv, xvi—72—93.

Judgment of the Court of King's Bench, xxxvi to xxxix.

Introduction of landmen, 184.

K.

Kerr, Lieutenant, his evidence, to bad beef for a length of time, 34 to 35.

— He swears, to the best of his judgment, the fire began in the Taylors shop, there and there only, and that it was evident to every body, 68.

L

Landmen, list of, appointed by Lord Sandwich, x.

— A general list of, in or belonging to the Hospital, 184, 185.

— Of what description, 16 to 24.

— Lodgings of, 38 to 41.

Lefevre, Lieutenant, William, swears to many abuses, particularly to encroachments on the seamen, xi.

Lefevre, Charles, Esq. his evidence concerning the denunciation of the Rev. Mr. Cooke, xi—70 to 74—87 165.

Lennan, Thomas, his evidence concerning incroachments, false musters, and embezzlements, xiii.

— He was, he conceives, made a Lieutenant by the purchase of votes in Huntingdon, 165.

Letters from the Secretary of the Admiralty, in the year 1742, reprimanding, in very severe terms, the Governor and Council of the House for suffering abuses, and for not looking daily into the affairs of the Hospital, xxvi.

Letter from Captain Baillie, the Lieutenant-Governor, to Lord Sandwich, inclosing the printed Case, and entreating his Lordship to look into the State of the Hospital, iv, No. 1.

No answer.

Letter to Mr. Stephens, inclosing another printed Case in form, and requesting a General Court to be called, according to the true intent and meaning of the Charter, vii, No. 3.

Mr. Stephens answer, vii, No. 4.

Letter to Mr. Ibbetson desiring a copy of some complaints, in consequence of the printed Case, and also a copy of the late Resolutions of the General Court, vii, No. 5.

No answer.

Letter to the Committee of Directors appointed to investigate the charges in the printed Case, and cautioning them how to proceed, and protesting against them as inadequate to the Enquiry, vii, No. 6.

No answer.

Letter to the Lords of the Admiralty complaining of the conduct of the Committee, and their special Pleader, and requesting their Lordships to suspend their judgment, on the report of the Committee, the matter being *sub judice* in the King's Bench, viii, No. 6.

Mr. Stephens's answer, ix, No. 8.

Letter to Mr. Stephens, desiring a copy of the order by which he was suspended, ix, No. 9.

Mr. Stephens answer, refusing a copy of the order, ix, No. 10.

Letter to Mr. Stephens, after the discharge of all the prosecutions in the Court of King's Bench, requesting to be restored to his Office, xi, No. 11.

Mr. Stephens answer, xi, No. 12.

Letter to Mr. Stephens, requesting a copy of new complaints, said to be presented, and also a copy of the report of the Committee, xi, No. 13.

Mr. Stephens answer, acknowledging there were no new complaints, and refusing a copy of the report, xi, No. 14.

Letter, from Mr. Stephens, informing Capt. Baillie, that he is removed from his Office; for misbehaviour, on the report of the Committee, and superseded by Captain Maplesden, xi, No. 15.

Letter to Mr. Stephens, desiring the costs he was unjustly put to in the King's Bench, and requesting some other provision, after forty years service, and time to look out for another habitation, xli, No. 16.

Mr. Stephens answer, refusing costs, and pressing him to quit his apartment, xli, No. 17.

Letter to Mr. Stephens, requesting further time, as he cannot think of putting his family into the street, repeating his request for a copy of the report, for the furtherance of justice, and entreating their Lordships to revise their proceedings, by comparing the report with the affidavits filed in the King's Bench, xli, No. 18.

No answer.

Letter to Mr. Stephens, repeating his request for a copy of the report, hoping their Lordships do not mean to obstruct the course of justice, avowing his intention to seek a legal remedy, xlii, No. 19.

No answer.

Letter to the General Court, whilst sitting, complaining of the partial, arbitrary, and unjust proceedings of the Committee, and offering, (as in page 80, line 19 from the bottom) to produce evidence upon oath, and affidavits sworn to, for his defence, in the King's Bench, in opposition to the report of the Committee, 76 to 80.

No other answer than a verbal one, from the Earl of Sandwich, that they were not come to hear evidence, but to receive the report of the Committee.

Letter to Mr. Stephens, June 9, 1779, desiring to be appointed to a ship, requesting his character to be enquired into, and certain records, in the books of the Admiralty, to be referred to, 190.

Mr. Stephens answer, 191.

Letter from the Admiralty, March 3, 1757, conferring on Captain Baillie the rank of Post Captain, unsolicited and unasked, 190.

Letters from the two late Governors of the Hospital, in support of his good conduct therein, April 26, 1771, page 190.

Letter from Lord Sandwich to the same purport, 38. Linen deficient, the reason why, by the Steward and Clerk of the Cheque, 62 to 67.

M

Marth, George, Esq. a Director, his evidence concerning contracts for the Navy and Greenwich Hospital, 30 to 33.

— Acknowledges that a monopoly in a contracting butcher, is a great inconvenience, 32.

Consents to renew the contract after conviction, though no new precautions were taken to prevent similar frauds, 31, 32.

His salvo for so doing, page 32, line 8, from the bottom.

Macdonald, Archibald, Esq. King's Counsel, speech of, xxxvi to xxxvii.

Malevolence of the faction of landmen may be seen in almost every page from x to xvii.

Marsham, Short-hand writer, his evidence, 88.

Matrons, non qualification of, 19—178.

Maule, Stephen, Clerk of the Cheque, his evidence, 16 to 24.

— His false returns to the House of Peers, 179—188.

Mellish, Peter, his contract after contract renewed, after conviction, 26, 27, 28.

Memorial of Lieutenant-Governor to General Court, iv to vi.

Misconduct of the several Boards, 172 to 177.

Money

I N D E X.

Money List, Butler's and Chalk-off List instead of provisions, 41 to 46.
 Moore, Master Cook, his evidence to the long-continued fraud of bull beef, &c. x.—35, 36—93.
 Morgan, —, Esq. his defence of himself and clients, 89, 90.
 — His clients not suffered to produced evidence against themselves, 97.
 —, His mistake in evidence corrected. 163.
 Moyle, Lieutenant, his evidence, mode of measuring linen, 157.
 Murphy, Arthur, Esq. concerning a negociation. 118 to 126—139 to 140.
 —, *That Lord Sandwich would chuse him, that he would single him out, &c.* 122.
 —, The examination prepared by him for Mr. Butler, 124, 125.
 Mutton, ram, and ram-stags, 35.
 Mylne, Mr. Clerk of the Works, abuses the Lieutenant-Governor, 99.
 —, He strikes a disabled Officer, 161.

N.

Navy Chaplains, a List of, who receive a bounty from parliament, xlv.
 Newnham, George, Esq. King's-Council, speech of, xxxiv to xxxvi.

P.

Painted Hall, concerning, xiii.—109—169.
 Patterns of cloth delivered at the bar of the House of Lords, 62.
 Peckham, Harry, Esq. speech of, xxii to xxv.
 Penalties compounded with the contractor, 28, 29.
 Pensioners grumble at their bull beef and ram mutton, 35.
 —, more might be admitted, 41.
 —, all complain of bad beer, 56.
 —, Huzza at the House of Lords, and are punished, 60.
 Perry, Dorothy, swears to outrages, menaces, and mulcts, xvi—61.
 Petitioners for offices in the Hospital, 178, 179.
 Pork, bad, xi.—37.
 Posts and rails, or blind-men's walk destroyed, the fatal consequences, 88—105—130—135.
 Prestage, a tradesman, swears to false musters, xiii.
 Price, Mr. a linen-draper, swears to the length of Russias, 69.
 Protest of the Lieutenant-Governor against the Committee, vii.
 Provisions, quality of, &c. 25 to 35.
 Prosecutors, names of, against Captain Baillie in the King's-Bench, xvii.

R.

Rapley, Thomas, a blind pensioner, his ingenious mode of finding out whether his linen was washed or not, xv.—88.
 Ray, James, a Master Carpenter, to the bad state of the Infirmary, xiv.

Reformers, the fate of, 117.
 Report of the Committee, signed by two members out of seven, 91.
 Resolutions of the Lords, 189.
 Richmond, his Grace the Duke of, his speech, 166 to 187.
 — Abstracts of other speeches, 1, 2, 3, 57 to 61.
 Robinson, to deficiency of linen, and other grievances, xiii.
 Rose, Mary, swears to sundry grievances, xv.
 —, mulcted for huzzaing at the House of Lords, xv.—60.
 Rule of the Court of King's Bench served on Captain Baillie, to shew cause, &c. &c. xvii.

S.

Saward, John, Butler of the Hospital, his evidence, 46.
 Seamen compared to madmen by a noble Lord, 178.
 Secretary, recommended by the General Court, and appointed by the Admiralty, 177.
 Shepherd, Rev. Doctor, his evidence, 137.
 Sheets, short of the Hospital standard, 62—168.
 Shirts, ditto, 62—168.
 Short-hand writer not allowed to take notes for Captain Baillie, 95.
 Sibthorpe, Mr. Solicitor, concerning the Charter, 13 to 16.
 Smith, Lieutenant, his evidence, 35—69.
 — His evidence a libel, 88.
 Smith, Boatswain, swears he was turned out of his office for a supposed offence to Mr. Ibbetson whilst languishing in the Infirmary with sickness; and that his wife soon after expired at the gate of the Hospital, xiv.
 —, Turned out for huzzaing the Lords, 59.
 Standard measure of the Hospital linen, 69.
 Stephens, Philip, Esq. Secretary to the Admiralty, concerning any specific charge against Captain Baillie, &c. 130.
 Stockings, bad, xiv—xvii.—47—51—92—169.
 Steward, appointed by the General Court, 178.
 Stubbs, Mr. his evidence, 20.
 Surveys on the beer, 56.

T.

Taylor, Mr. Surgeon, his evidence, 164.
 Toy and Willet, hosiers, concerning stockings, xvii.
 Turner, Mr. Mayor of Huntingdon, an attorney, appointed Steward of the Derwentwater estate, instead of an Admiral's Secretary or Purser, 25.

V.

Veal, quality of, for the sick, 53.

W.

Wallace, James, Esq. Solicitor General, speech of, xxx to xxxiv.
 Willson, concerning the Charity Boys, xv.
 Women's cloaths, bad, 100—168.

E R R A T A.

Page 36 line 33, instead of *but you say they did not*, read *but what did you say?*
 Page 35, line 18, instead of *then*, read *that*.
 Duke of Richmond's speech, page 169, line 26, instead of 45 and 46, read 145 and 146.
 Page xxx, line 24, instead of *that is high time, &c.* read *that it is high time, &c.*
 Page 117, line 10, read the Italian words first, and the translation afterwards.
 Page 148, in note marked with *, instead of *Governor read government*, and after *excepted* read *in the person of Lieutenant Governor Boys*.
 Page 107, note marked with *, instead of *Report was signed, &c.* read *it was signed, &c.*
 Page 29, line 24, instead of *promised* read *promised*.
 Page 122, note marked *, instead of *drawn and arranged* read *arranged for the press, &c.*
 Page 158 (in some of the impressions), line 16 from the bottom, read *Chadds* instead of *Maplesden*.
 Page 165, line 37, instead of *Lieutenant*, read *Lieutenancy*.

N. B. Two short letters in pages ii. and iv. are reprinted in the proceedings of the House of Lords; being there read as evidence, they could not, with propriety, be omitted.

INTRODUCTION

TO THE

PROCEEDINGS

IN THE

COURT OF KING'S BENCH,

On a RULE granted by the COURT, to shew Cause why an INFORMATION or INFORMATIONS should not be exhibited against CAPTAIN BAILLIE, LIEUTENANT GOVERNOR of GREENWICH HOSPITAL, for printing and publishing a Book, intitled the CASE and MEMORIAL of the ROYAL HOSPITAL for SEAMEN at GREENWICH, addressed to the GOVERNORS and COMMISSIONERS thereof, with a short ACCOUNT of the Manner in which it was distributed, the PROCEEDINGS of the GENERAL COURT and COMMITTEE of ENQUIRY, in Consequence of the said CASE and MEMORIAL.

THE Lieutenant Governor having prepared the Case and Memorial, laid a copy of them, March the 7th, 1778, before Lord Sandwich, accompanied by a letter (No. 1.) in which he earnestly requested his Lordship to look into the affairs of Greenwich Hospital; and hoped that the facts stated in the case, would stimulate him to redress the grievances of the pensioners; which could only be done by restraining the ill behavior and incroachment of the combination of landmen, who had overturned and destroyed the proper government of the House. That though the Lieutenant Governor was determined no longer to see with patience the men cheated, and himself insulted, by priests, clerks, and contractors; yet at the same time, he anxiously wished to avoid every appearance of disturbing government, by applying to Parliament at this critical period; that his only wish was to make an application to the body of the Court of Commissioners and Governors, who were bound in duty to hear, and redress all the grievances complained of; and lamented, that the grievances should be such, as to force him to make any appeal. After waiting nine days, in expectation of some answer, the Lieutenant Governor went to the house of Lord Sandwich at the Admiralty, on March the 15th, 1778, where he saw his Lordship, in the presence of Sir Hugh Palliser, and the Secretary of the Admiralty, sitting at a table with pens and ink before them. His Lordship addressing the Lieutenant Governor, said, "I have received, Sir, a very particular letter from you." (see No. 1.) To which he answered, "It was, my Lord, on a very particular occasion." The Lieutenant Governor, then perceiving that an examination was intended, rose from his seat, and asked his Lordship, if he had any commands—To which he answered, None at all, Sir. The Lieutenant Governor then withdrew.

The next day, March the 16th, it appeared that his Lordship's chaplain, Mr. Cooke, had seen the printed case several days before, and had mentioned it in many companies, particularly in the Hospital, which otherwise might have remained a secret to this day, in case his Lordship had paid any attention thereto.

The Lieutenant Governor then, and not till then, carried copies of the said case and memorial to several of the Governors and Commissioners, particularly to Lord North, the Lord President of the Council, the three Secretaries of State, to four of the Admirals, and several other persons of distinction, all Governors of the Hospital.

On Tuesday, the 17th day of March, an extraordinary Board of Directors was held in London, at the desire of Mr. Cust, a Director, at which ten or twelve Members, Governor, and the Lieutenant Governor attended. Mr. Cust then produced the printed case, against which he exclaimed with great vehemence; and, after reading several passages, the Board came to a resolution to write a letter of complaint to the Board of Admiralty against the Lieutenant Governor.

The Lieutenant Governor requested a copy of this letter of complaint, which was refused; and also refused at a subsequent meeting of the Directors the next day, when they confirmed the resolution of the preceding Board.

The Lieutenant Governor, on the 26th of March, inclosed a copy of the Case and Memorial (No. 2.) to the Secretary of the Admiralty, desiring him, in his letter (see No. 3.) to lay the same before the Board of Admiralty officially, as appears by Mr. Stephens's answer, (No. 4.) and requesting, that the Lords of the Admiralty would summon a General Court, according to the true intent and meaning of the Charter: and hoping, that to make such a Court efficient, it would be advertised three times in the Gazette. And, that as the Directors had complained, that they could not proceed in their duty, till enquiry was made into the charges, which, they said, were false; he (the Lieutenant Governor) was anxiously desirous, that the said enquiry might take place before a full and fair tribunal, in order that justice might be done, and the grievances of the pensioners redressed.

An extraordinary Court of Commissioners and Governors was in a few days afterwards summoned to attend on the 14th of April, 1778. But no more than the usual number of summonses were

issued; that is, to a small part of those, whom the Charter names as Governors and Commissioners; and there was no public notice given in the Gazette.

When this extraordinary Court of Commissioners met, it consisted of no more than the Members who usually attend, that is, the Lords of the Admiralty, attended by their Secretary, ten or twelve of the Directors, and there was also two or three of the Commissioners of the Navy.

The Lieutenant Governor, after receiving notice of the meeting, applied to several Members of the General Court of Commissioners to attend, who promised, if they were summoned, or if there was public notice given, they would attend, otherwise they could not, and none of those persons appeared at the Board.

Earl of Sandwich opened the Court, by saying, "That the Board had received the printed Case of Greenwich Hospital, from Capt. Baillie, the Lieutenant Governor, with a letter from him (No. 3.) as already mentioned, which he ordered to be read." Mr. Cust then produced a memorandum book, and said, that it would save his Lordship trouble, if he would refer to passages in the printed Case, which he would point out concerning the conduct of the Board of Directors. These passages were read accordingly. Mr. Cust then moved, that a Committee be appointed to take the said passages into further consideration, and the motion having been approved of, Lord Sandwich asked the Lieutenant Governor, if he would name the Members of this Committee, to which he replied, "That as this General Court was not composed of the great and noble personages, whom he had requested might be summoned, to make it efficient for the occasion. He declined naming any of the Members, as he could not approve of such a mode of enquiry; it being contrary to every appearance of fairness and candour, and to every rule of public business, in like cases, to appoint persons who were accused, Members of a Court of Enquiry, by which they were constituted judges in their own case."

His Lordship then called for the list of Directors, named eight of them; and then asked, if the Lieutenant Governor would object to any of them—to which he answered, "That he objected to the entire mode of enquiry as unfair and uncandid." Mr. Fonnereau then excused himself on account of his age, and others attempted to do the same; Lord Sandwich said he would make it easy to them, as three should be a *quorum*, the remaining seven were then understood to be appointed.

An order was then made, that they should enquire at such times and places, as they thought proper to investigate the grounds of the several complaints which were stated in the printed Case and Memorial.

Lord Sandwich then said, that he would pay particular attention to their report, even if it was to the removal of any officer, alluding, as it was supposed, to the Lieutenant Governor, who requested copies of the abovementioned letters of complaint, and of the proceedings and resolution of the General Court, but he was refused them.

The Lieut. Governor then begged leave to represent to the Court, that the letter of complaint, which had been read against him from several officers of the House, were recriminations, and procured by the most indirect means, through the solicitation and influence of Mr. Cooke, his Lordship's chaplain, who went about the Hospital canvassing for names, as if he had been at an election—That notwithstanding this manoeuvre, the majority of the naval officers (who are known to be men of character and friends of seamen) objected to such proceedings, and refused to sign, declaring that they did not feel themselves aggrieved by the passages in the printed Case, which Mr. Chaplain Cooke, and Steward Godby, had thought proper to point out to them at a meeting of the Council of the House. The Lieutenant Go-

vernor then produced the following letter from Lord Sandwich which he desired might be read, and which was read accordingly.

S I R, *Admiralty-Office, Oct. 4, 1772.*

I was favoured with yours some days ago, and think your activity, to bring the perpetrators of the late abuses to justice, highly laudable, and I should imagine you must feel much self-satisfaction, as I am satisfied you have done yourself real credit; this, however, makes me much at a loss to understand, why you are uneasy in your situation, nor can I guess what sort of retreat you have in view, as nothing occurs to me in this department, that can be an object of your pursuit, after your retirement, upon the noble foundation where you now are settled.

I am, with great regard,

Your most obedient and

Captain Baillie,
Greenwich-Hospital,

most humble servant,
SANDWICH.

The Lieutenant Governor then remarked to the Court, that a letter, marked in such strong terms of approbation to him, from the first Lord of the Admiralty, had quickened his zeal in the service of the pensioners, that the perpetrators of the abuses therein alluded to, was only the contracting butcher's servant, who had received sentence of transportation for seven years, for having made a practice of stealing large quantities of the pensioners' beef, that he hoped it would not now be deemed a crime to bring the principal delinquents to justice.

Lord Sandwich then reproached the Lieutenant Governor with ingratitude, and said, that his opinion of men altered with their conduct—to which the Lieutenant Governor replied, that he had always acted as much for his Lordship's honour as his own, that he had made repeated complaints before, which had not been attended to; that he could no longer divest himself of his humanity to the pensioners; and, declared in the most solemn manner, that he had no other view in presenting the Case and Memorial, than the hope of bringing about a general reformation in the affairs of the Hospital; and that if his Lordship had shewn the least attention to it, it probably had remained a secret for ever. The Court then adjourned.

The Court being adjourned, a meeting of the Directors was held the next day at Salter's Hall, on Wednesday the 15th of April, where the proceedings of the General Court, and their resolutions thereupon, were read, when the Lieutenant Governor again requested copies of the several complaints against him, and of the proceedings and resolutions of the General Court, which were all refused. He afterwards wrote a letter (see No. 4.) to Mr. Ibbetson, the Secretary to the Directors, requesting the above-mentioned copies, to which he gave no answer in writing, but verbally refused them at a subsequent meeting of the Committee.

The Committee of Enquiry accordingly met at the Hospital, on Saturday, April 18, 1778, when four of the seven Directors, named at the Admiralty, were present, *viz.*

Mr. CUST, Chairman.
Mr. WELLS,
Mr. SAVARY,
Mr. REYNOLDS,

Sir Merrick Burrell, Mr. Barker, and Mr. James, not appearing. There were also in the room Mr. Steuart, who is surveyor, and a Director of the Hospital. Mr. Ibbetson, the Secretary, Mr. Cooke, his clerk, who acted as clerk of the meeting, Mr. Everist, the solicitor of the Hospital, and a Mr. Morgan, who appeared as council.

After the meeting had been held some time, the Lieutenant Governor was desired to walk in: with this he complied, though he had been advised not to give

give any sanction to this extraordinary and unprecedented Court of Enquiry; yet he was willing to give even to this meeting every satisfaction in his power, concerning the truth of the several charges contained in his printed Case, and to state any facts with which they might yet be unacquainted. On finding a Council present (of which no notice had been given to him) the Lieutenant Governor desired that a friend of his, who was then at his house, might be introduced, which was complied with.

Before the Committee proceeded to business, the Lieutenant Governor delivered to their clerk (Mr. Ibbetson's clerk) a letter, or written declaration, (No. 5.) in which, after repeating his objections, and protesting against the meeting, as improper and inadequate, to the business they had undertaken; and cautioning them to proceed with care, as the matter would probably excite the attention of the public—perhaps of Parliament; he proceeded to enumerate the several principal charges in the Memorial, and desiring that they might be enquired into in that order, and the Case read from the beginning. This the Chairman peremptorily refused, and said in a very warm manner, that the Committee would proceed in what manner they thought proper.

The Case was then opened at page 9, and the following paragraph read: "Among the Directors of this class, are the Receiver, the Accomptant, and the Comptroller of the Sixpenny office, and the Surveyor of the Hospital; who, instead of sitting as Members of the Board, and forming a majority to examine their own accounts, ought to be called in and examined, as servants to the Hospital, and leave the deliberations on the matter to persons less interested in the issue." The following note was also read, viz. "The Architect of the new Infirmary, who, instead of constructing it, as originally intended, principally for the sick and helpless pensioners, built it rather as a palace for officers, than an infirmary for sick; the natural consequence of which is, that there is not room sufficient for the helpless men; all of whom were intended to be there placed, under the immediate care and inspection of the physician, surgeon, &c." These, Mr. Morgan affirmed, contained a charge against the Surveyor, *in the line of his profession*, sufficient to found an action, and intimated, that he had been retained for this, and several other actions, which would be immediately commenced in the King's Bench.

On the charge, that the "the Receiver, Accomptant, and Comptroller of the Sixpenny office"—and also that the "Surveyor acted at the Board of Directors as checks upon themselves, and examined and comptrolled their own accompts," it was acknowledged that they were generally present; but that the accompts were examined and signed by other Members of the Board of Directors; to prove which several books of accompts were produced, signed with the initials of two Members' names. The Lieutenant Governor said, "That he knew very well that they never signed their own accounts, the impropriety would have been too glaring." The charge was, that they were Members of the Board, at which their accounts were severally examined, where they examined and checked each others accompts, and *voted* in any question which arose directly, or indirectly concerning them, that such examination was always confined to two Members, who were generally the managing Directors.

Mr. Ibbetson said, "That the Auditor was the proper officer to examine the accompts, and that their being signed at the Board, was considered as a mere matter of form."

Their council, Mr. Morgan, then said, that the charge in the note, of deviating in building the Infirmary, from the original idea of such a building,

by appropriating too large a part of it to other uses, than for the reception of sick and helpless pensioners, was a charge against the Surveyor, of acting without, or contrary to, his orders—The Lieutenant Governor said, "he had never supposed that the Surveyor in such deviation, had not received orders from the Directors, and he supposed the Infirmary had been finally approved of by that Board; that such approbation might be a proper justification of the Surveyor's conduct; but that the Directors had acted improperly in giving such orders, in permitting the Infirmary to be built and finished in such a manner."

The Lieutenant Governor then desired that the physician and surgeon of the Hospital might be called in, to prove that there was not room to receive the several helpless men, and also on the defective state of the wood-work in their apartments. This was positively and repeatedly refused. But, at the desire of Mr. Morgan the counsel, Mr. Mylne, the clerk of the works, a complainant against Captain Baillie, was called in, who produced the several plans, elevations and sections by which the Infirmary had been built; and said, "That the Infirmary, as it then stood, was perfectly agreeable to the said plans." On being asked if, in his opinion there was any foundation for the charge, that too large a part of the building had been appropriated to the apartments of the several officers and servants of the establishment? he replied, "Not the least foundation for such a charge." On being further pressed, he acknowledged, "that the Matron had a room, in which she transacted the business of the Infirmary, which was distinct from the suite of apartments in which she lived, and which did not appear in any of the said plans to be a part of or belonging to the said apartments. That the Surgeon had a surgery, the Dispensary a shop, the Physician a consulting room,* none of which were described in the plans; in consequence of which, instead of the center of two of the quadrangles, as appeared in the plan they were in possession of nearly half of the whole building." On Mr. Mylne's being asked concerning another paragraph, in which the wood work is charged to be in a defective state, he said "that there was not the least foundation for the charge; but that the infirmary had been finished in a hurry, and that some part of it had not been properly painted; that the whole now wanted repair, as the pannels of the wainscot were shrunk, and must be eked or pieced out in many places. This, he said, was nothing more than what was wanted in every gentleman's house at the end of ten or twelve years." Being asked if this eking out was necessary, where good and proper seasoned wood had been used? he answered, "It was always necessary." Mr. Mylne further said, "that near the sinks great damage had been done by the servants twirling mops, which had wetted the floor, the walls, and some of the timbers, which were in a decayed state." On its being observed, that this was a severe charge against whoever had permitted it, but no answer was returned.

The Lieutenant Governor then asked the Clerk of the Works whether letters of complaint had not been received by the Directors concerning the defective state of the inside of the Infirmary, from the several officers thereof? He acknowledged that such letters had been referred to him, from the Board, and that he had some of them in his pocket. The Lieutenant Governor desired they might be read; to this Mr. Morgan objected, declaring that he would not *suffer his client* to read evidence against himself. Mr. Morgan was then asked who were his clients; and if he considered this as a court of law? to which no answer was returned, and Mr. Mylne withdrew. The Lieutenant Governor then proposed to the Committee,

* The Physician visits the patients in the Infirmary but once a week (seldom oftener); there are very few instances of Pensioners applying to him at his house, and if they had, he has two parlours besides this consulting room. He has for several years had two or three boarders or lodgers in his house, an incontrovertible proof that his house is too large for the necessities of his family.

that they should visit and inspect the infirmary themselves, which they peremptorily refused to do.

These specimens of the conduct of the Committee, on the two first articles of the enquiry, it is presumed, are sufficient to point out the manner in which the whole was conducted. The Lieutenant Governor conceiving such proceedings to be unwarrantable, introduced a short-hand writer, to take notes; but he was immediately turned out of the room, whilst several on the

other side of the question were taking notes; and as soon as they had collected what they thought sufficient materials to found an action in the King's Bench against the Lieutenant Governor, the enquiry finished abruptly, and with less candour than it began. For the future proceedings of this unprecedented Court of Enquiry, the reader is referred to their own evidence in the House of Lords, viz. Mr. Cust, Mr. Barker, Sir William James, &c.

COPIES of the LETTERS referred to in the preceding Sheet---MEMORIAL to the GENERAL COURT---LETTERS to the ADMIRALTY, and COMMITTEE of ENQUIRY---ABSTRACTS of AFFIDAVITS filed in the COURT of KING'S BENCH---The SPEECHES of the COUNSEL, and the JUDGMENT of the COURT on the six different PROSECUTIONS for a LIBEL, with other authentic DOCUMENTS.

[No. 1.]

*To the Right Honourable the Earl of Sandwich,
addressed on his Majesty's Service.*

AS your Lordship has hitherto been disposed to hear only one side of the affairs of Greenwich Hospital, I take the liberty to inclose for your Lordship's consideration, a state of facts which I trust will stimulate your Lordship to redress the grievances therein complained of, and thereby restore me to my proper command in the Hospital, of which I have been deprived by a combination of landmen, who, if they had any right to a footing in the Hospital, can have no pretence to pervert and depose the lawful government thereof.

I have the honour to acquaint your Lordship, that I will not sit down contented to see the men cheated and myself insulted by priests, clerks or contractors. I think it, however, my duty to forewarn your Lordship, that if you are any longer deaf to reasonable complaints, I shall put this effort for redress into execution, which I should have deferred for a more seasonable opportunity, but the recent overbearing conduct of the faction, so frequently alluded to in the inclosed case, has compelled me to struggle for immediate redress.

I would not have your Lordship understand that I mean to disturb government at this critical time, by applying to Parliament. I scorn the imputation of making any other appeal than to the body of the Commissioners and Governors of the Hospital, whose bounden duty it is to hear and redress the grievances complained of; and I most sincerely lament that an establishment so truly popular and great, should be so far perverted as to force me to make any appeal.

I am,

My Lord,

your Lordship's

most obedient and

most humble servant

*Royal Hospital, Greenwich,
March 7, 1778.*

THO. BAILLIE.

[No. 2.]

To the Commissioners and Governors of the Royal Hospital for Seamen at Greenwich,

The Memorial of Captain Thomas Baillie, Lieutenant Governor of the said Hospital, in behalf of disabled Seamen, their Widows and Children,

Humbly sheweth,

THAT through the various abuses set forth in the Case prefixed,* the British Navy has been deprived

of the full benefit of this wise and munificent establishment, which the generosity of Princes, and the gratitude of the Public, had bestowed.

That Landmen have been introduced into the Hospital, contrary to the Charter and to the spirit of the institution; and that some of the principal Wards have been torn down, and converted, at a great expence, into grand apartments for Officers, Clerks, Deputies, and Servants, who are not Seamen.

That several Thousand Pounds are annually expended in repairs and alterations, under the pretext of finishing or carrying on the building, though it is already sufficiently grand, roomy, and convenient.

That the settled and ample revenues of the Hospital being wasted by this and other improper means, the present Managers, sheltering themselves under the popular character of the poor defenceless men under their care, make frequent application to Parliament for the public money, which they squander in a manner that has no tendency to promote the welfare of the Pensioners or of the sea-service.

That the Pensioners are fed with bull-beef, and four small beer mixed with water.

That the contracting Butcher, after having been convicted in a public court of justice (the King's Bench) of various fraudulent breaches of his contract, was, on a second prosecution, suffered to compound the penalties, and renew the contract: and that many evident and injurious abuses in the supply of other necessaries are daily suffered without any due enquiry.

That, under pretence of raising a charity stock for the boys in the Hospital, the Pensioners are deprived of at least Two Thousand Five Hundred Pounds *per annum* out of their frugal allowance of provisions, &c. settled at the first establishment, and are compelled to accept of a part of the value in money; which causes frequent drunkenness, irregularity and disobedience.

That these enormous abuses are the effects of the total subversion which the due government of the Hospital has undergone, arising from the inattention of the great and respectable characters who were appointed its perpetual Guardians: and that the Acting Directors, being in general concerned in the receipt and expenditure of the revenues, are therefore improperly intrusted with the care of controuling the accounts, and of directing the affairs of the Hospital; yet that these men have, by successive encroachments, extended the proper powers of the Board of Directors, and taken upon them a great part of the government of the house, in the exercise of which they are deaf to every expostulation or complaint, however reasonable in itself, or regularly urged.

That a faction, under the title of the Civil Interest, is maintained in the Hospital, which consists of such Officers, Under Officers, Deputies, Clerks, and Servants, as are not seafaring men, and who are therefore illegally appointed; which Faction has kept the

* The Case said to be here prefixed is omitted, because it might create fresh disputes, is very long, and the greater part recapitulated in the King's Bench and House of Lords.

Hospital in a state of confusion and disorder for several years: and there is no pretence of right or necessity, for their continuing in offices to which Seamen alone have any claim, there being many brave men fully qualified to execute the business of these offices, who, after having fought the battles of their country, are now in a state of poverty and want.

That, independent of the obvious reflections suggested by justice and humanity on this occasion, the manner in which the Pensioners are supported in Greenwich Hospital is a material subject of political consideration; particularly at this interesting period, when the endeavours to obtain volunteers for the navy are unsuccessful. Were a residence in the Hospital considered by seamen in general as a desirable object, it would have an evident tendency to lessen their reluctance for his Majesty's service, as the loss of temporary advantages, or the dread of approaching hardships, can only be balanced by the hope of spending a comfortable old age. Now, the Hospital is so far from answering this valuable purpose at present, that it is mentioned among seamen with disgust and dissatisfaction.

Till some effectual means are taken to remove this opinion, the material object of the foundation is entirely subverted, and the Hospital become a useless and expensive burden to the nation. This can only be done by an entire change in the management, and by faithfully and honestly expending the ample revenues in the due maintenance of seamen only. The news of such a general reform in the affairs of Greenwich Hospital would be received in the Navy with joy and gratitude.

The Lieutenant Governor thinks it necessary to represent, that in this application to the several Members of the Court of Commissioners and Governors, he has no interests for which he can hope or fear on his own account: he was placed in the Hospital by Lord Anson, after a life of active service, with a view, as he presumes, that he might pass his remaining days in peace and retirement; but the sixteen years which he has spent in the Hospital have been the most painful, harassing, and disagreeable of his whole life, as he has, during the greatest part of this term, been inevitably engaged in disputes and litigation with jobbers, agents, and contractors, and in opposing the *Civil Interest* of this Naval Hospital, with whom he never had any other point to carry, than that the Pensioners should be peaceably and comfortably maintained, agreeably to the intention of the founders, and to the establishment of the Hospital.

That the contest, so far as he is concerned in it, must, in the course of nature, be now nearly finished; but it appears to him an indispensable duty, to state the leading circumstances of the atrocious facts which have been committed during his residence in the Hospital, to those who are in possession of the legal powers necessary for the speedy removal of the several causes of complaint herein recited,—in order that the ineffectual struggle which he has hitherto maintained may not be urged as an example to deter his successors from the performance of their duty. The threat of this appeal, though on many occasions it had produced salutary effects, has however lately been disregarded, from an opinion that it would never be made. It therefore became necessary that it should be actually made; and, though some parts of the prefixed Case, may seem rather tedious in the recital, yet the whole is confined to real instances of fraud, collusion, and incapacity, all of which can be proved by the clearest and most indisputable evidence.

The Lieutenant Governor takes the liberty to urge, in the most earnest manner, his anxious hope, that these complaints may excite a necessary degree of attention in the several Great and Noble Personages to whom they are now addressed; that a Full Court of Commissioners and Governors may be held, by whom these several charges may be heard and examined, the present evils redressed, and effectual

means devised for restoring the Hospital to the Navy, and for the proper maintenance of seamen therein. When have the interests of Britain been deserted, or her defence neglected, by her Navy?—It cannot be supposed, that a complaint of this magnitude, and importance to Seamen worn out and disabled in the service, can in this country be urged in vain.

Amongst the leading measures to be adopted for the re-establishment of the Hospital, it will be necessary,

That the Sixpenny Receiver from Seamen's wages, the Accomptant and Comptroller of the Sixpenny office, the several Prize-Agents, Surveyor, and Chaplain, be removed from the direction; and a rule made, that their successors be never in future appointed Directors of Greenwich Hospital.

That persons of respectable and independent characters be appointed in their room, under such regulations as may be judged sufficient to induce and oblige them to attend the important objects of their duty; and they be made responsible for the due execution of the trust. With respect to the present direction, the old proverb, that every body's business is nobody's, seems to be truly verified.

That, instead of the great number of Governors, and the twenty-four Directors, if five Commissioners only were appointed, at 50*l.* *per annum* each, for the sole care of receiving, and faithfully and frugally expending, the ample revenues of the Hospital, the poor men might be nobly provided with every necessary article of life, and more than the salary of such Commissioners saved out of unnecessary works, repairs, and alterations, in which case the Hospital would probably in a few years be restored to its proper degree of estimation and use.

That, if the present unwieldy body of Governors, Commissioners, and Directors, should not be reduced to five Commissioners, two of the Captains be restored to the direction, of which their predecessors were deprived for being strenuous in the noble cause of protecting the seamen under their care.

That the internal government of the whole House be restored to the Governor and Council: that this Council do consist of the Deputy Governor, the four Captains, and only four, instead of the eight Lieutenants: and that the Secretary, Steward, and Chaplains, be removed therefrom, to prevent the forming of parties to embarrass and out-vote the principal officers of the House, whenever they think proper to appear in Council, thereby disturbing the peace and good government of the Hospital, for which the superior, and not the inferior officers, are responsible.

That the two Chaplains, the Secretary, Steward, and Auditor, with several Under-Officers, Deputies, and Servants, who have not been sea-faring men, and whose appointments are therefore illegal, be discharged the Hospital; and that Navy Chaplains, and other Warrant Officers, &c. be appointed in their room.

That two of the three Matrons, not being the widows of Sea-officers, be removed from the Hospital, and proper objects appointed in their stead, as there are now the widows of twenty-four officers of different ranks serving in the mean capacity of common nurses under these Matrons.

That Greenwich Hospital be, for the future, preserved, inviolably and exclusively, for the Navy, as an Asylum for disabled Seamen, their widows, and children; and that, for their better security, the Charter (in which several essential words, and even clauses of the old Commissions are omitted) be surrendered to his Majesty, and an humble petition presented for a new one, more consonant to the old Commissions.

That the Apartments of the several Officers who have no concern with the internal business or government of the House be restored to the Hospital, they having no business but with the Court of Directors, of which the principal meetings are held in London.

That the Royal Sovereign Ward, in King William's building, now possessed by the Secretary's Clerk, be restored to the Pensioners.

That the Office of Clerk of the Works, being an useless Office, be abolished, as there can be no plea of necessity for such an officer, whilst there is a Surveyor, and no new buildings carried on: that the present Clerk of the Works be obliged to surrender to the wards the suite of apartments he possesses, and to restore the posts and rails, which out of mere caprice were lately destroyed, though erected, at a considerable expence, round all the outer walls of the Hospital, for the safety, ease, and comfort of the blind, lame, and infirm Pensioners, who are now frequently hemmed in between two walls, to their great terror, and at the risque of their lives from droves of horned cattle, horses, &c. These walks, which were formerly called the Blind Men's Walks, are now become common nuisances to people of all ranks who visit the Hospital.†

That the Apartments of the Lieutenants Gordon and Kerr, of the Clerk of the Cheque, and of two of the Matrons, be restored to the Wards; and that lodgings be found for them in the apartments of the non-qualified Officers, or in the New Building now occupied by the Governor's Clerk, Steward's Clerk, and a person called the Clerk of the Works' Clerk.

That the Clerk of the Cheque's Clerk's apartment be restored to the wards.

That all the public passages, windows, doors, and stair-cases, which have been monopolized, be thrown open for the convenience of the officers and strangers who visit the wards, and for the admission of fresh air, which is so necessary to the health of the numerous inhabitants: The stair-cases now in use are narrow and dangerous, and, in case of fire, would be insufficient for the retreat of a croud of people, as some of the principal wards are barricaded up at both ends for the magnificent accommodation of individuals, who have converted the grand passages into galleries for pictures, and the roof into lodging-rooms with chimneys, where none were originally designed.

That the Butler's Lift and Chalk-off Lift, which are so hostile to the establishment, be totally abolished; and that the tables in the dining-halls be filled with Pensioners, and served with their full allowance of provisions; it being intended, according to the rules of the House, that they should dine in public, as a spectacle for the encouragement of Seamen. The soup-maigre now served to the men dishonours the Hospital, and was publicly ridiculed in the dining-hall by his Excellency the Duc de Nivernois.

That such of the Pensioners and Nurses, as from age, infirmities, or other reasonable causes, shall be put on the Money-Lift by the Governor and Council, and not by the Directors, may receive the full value of their provisions; and that the late order procured by the Secretary from the General Court, to empower the Directors to dispense with the mustering the Pensioners on certain occasions, be rescinded, as being repugnant to the Charter, and infringing upon the government of the house, and the custom of the Hospital.

That the Charity Stock be thrown into the general fund of the Hospital, and such boys as may be judged proper objects of this charity be better fed than at present, as a growing boy requires at least as much sustenance as an old man.

That the Pensioners and Nurses on the Money-Lift shall not be deprived of their festival dinners; which is an extra-gift to all without distinction, in commemoration of the five great anniversaries,

The Royal Founder's Coronation,—King's Birthday,—Queen's Birth-day,—Accession, and the Coronation.

The non-enjoyment of these days of mirth and festivity is a real grievance to three or four hundred poor people.

That two Lieutenants be present at the dining-halls, at dinner; and that the Chaplain of the month say grace, instead of an old Pensioner.

That the Captain or Lieutenant of the week do always see the meat delivered and weighed, agreeably to a former minute of the Council, in order to increase the present checks, which have been found insufficient. This laudable regulation has been lately over-ruled.

That the Steward's clerk be never in future allowed to perform the duty of the Clerk of the Council.

That the Secretary make all the contracts, as formerly, agreeably to established forms, in order to avoid the great expence of attorney's bills; and that he be not permitted to make a bill for travelling charges, being allowed 20*l.* a year for that purpose.

That the Stewards of the Derwentwater estate, and the Receiver of the Sixpences, be obliged to remit to the Treasurer and Receiver-General all such money as they may receive on account of the Hospital, as soon as it shall amount to the sum of 500*l.*—in order that there may be but one Treasurer: and that the Board of Directors be not allowed to extend their proper powers by implesting, or advancing large sums of money to Contractors, or tradesmen, as the warrants for the payment of all monies ought to be signed quarterly at the General Court.

That all admeasurements of the works of the Hospital be made with the assistance of a sworn surveyor; and that all the works, alterations, and repairs, be sworn to before the Barons of the Exchequer, by the Surveyor of the Hospital, the Clerk of the Cheque, and the Clerk of the Works, as having been faithfully and truly performed, according to the best of their skill and judgment; in conformity to a minute of the Board of Directors in the year 1718, and to the custom of those times when the affairs of the Hospital were conducted with integrity.

That the Steward be sworn to all his accounts and disbursements, being near 30,000*l.* *per annum.*

That the Receiver of the Sixpenny Office (as well as his clerk) be sworn to his accounts and disbursements.

That the brewer be sworn to the faithful and frugal expenditure of the malt and hops; and that, if any beer be condemned on a regular survey, the value of good beer be deducted out of his wages.

That the household and other accounts of the Hospital be examined at the table where the Board of Directors sit, and not partially and superficially passed by two interested Members, at a separate table; and that five of the Directors, after proper examination, do attest the said accounts with their names at length, instead of the initial letters of two names only.

That all the accounts and disbursements of the Hospital, be sworn to, before the Barons of the Exchequer; which is now performed partially.

That the Auditor be obliged to audit all the accounts of the Hospital.

That the pay of the Lieutenants be made equal to the pay of the two Chaplains, as originally intended.

That the General Courts be held four times at least in the year, agreeably to the first Commissions, the business of this Court being much increased: that due notice of the several meetings be given in the Gazette, and the business made as public as possible, instead of being privately passed, it being a matter of public concern.

That these Courts be held in the Painted Hall in the Hospital, in order to add to the splendour of the meetings, by accommodating a sufficient number of Great Personages, for the more effectual protection of Seamen, their widows, and children.

All which premises are most humbly submitted to the wisdom and humanity of the Right Honourable the Lords and other Commissioners and Governors of the Royal Hospital

† These posts and rails extended nearly one mile, were erected on account of a poor Pensioner being killed on the spot by a cart.

for Seamen at Greenwich (who are the guardians and guarantees of the rights of seamen in the said Royal Hospital, and who alone are able to give the poor Pensioners speedy and effectual relief) by

their most respectful

and faithful servant,

THOMAS BAILLIE.

[No. 3.]

Greenwich Hospital, March 26, 1778.

S I R,

ON the 7th instant I delivered a State of the Case of Greenwich Hospital at Lord Sandwich's, as I thought it my duty to make my first application to his Lordship, not doubting but he would attempt to provide a remedy to the manifold grievances so fully authenticated: but to my great mortification, when I waited on his Lordship, nine days afterwards, he told me, in your presence, he had no commands for me. I therefore herewith offer the said State of the Case, entreating you to lay the same before the Board of Admiralty officially, at the same time requesting that their Lordships will be pleased to summon a full General Court of the Commissioners and Governors, according to the true intent and meaning of the Charter, to whom I wish to appeal, not doubting but I shall be able to prove the charges therein contained against the several parties, whose business and duty it was to protect the numerous objects of this establishment. I should hope that to make such a Court efficient it will be advertised three times in the Gazette, as well as summons sent, that a proper number of respectable characters may be present. The Board of Directors having this day taken an extraordinary resolution, and pretend that they cannot meet with advantage to the public or honour to themselves, till such enquiry is made; therefore I am earnest that a speedy enquiry should take place.

I am,

S I R,

your most obedient

and most humble servant

*To P. Stephens, Esq.
Secretary to the Admiralty.*

THO. BAILLIE.

[No. 4.]

S I R, *Admiralty-Office, March 28, 1778.*

I HAVE received your letter of the 26th instant, enclosing a printed State of the Case of Greenwich Hospital, and have laid the same before my Lords Commissioners of the Admiralty.

I am,

S I R,

your very humble servant

Captain Baillie,

PHIL. STEPHENS.

Lieutenant Governor of Greenwich Hospital.

[No. 5.]

S I R,

*Royal Hospital, Greenwich,
April 18, 1778.*

IT appears to me very necessary that I should know exactly, as also well, the contents of the several representations which were delivered against me at the last General Court of Commissioners and Governors of Greenwich Hospital, and likewise the minutes of the Court's proceedings.

Therefore I request that you will favor me with copies, which, if you do not chuse to do, I desire you

will appoint a time and place for my inspecting the originals, and to take copies for myself. I am,

S I R,

your most humble servant,

THO. BAILLIE.

*To John Ibbetson, Esq.
Secretary to the Directors.*

N. B. The copies requested were refused.

[No. 6.]

*To Sir Meyrick Burrell, Peregrine Cust, Esq. J. Barker,
Esq. William Wells, Esq. J. Savary, Esq. Sir Wil-
liam James and C. Renolds, Esq.*

Gentlemen,

AS you have been appointed by Lord Sandwich at a late Court of Commissioners for Greenwich Hospital, to enquire into the charges contained in the printed Case of the Hospital, which was produced by his Lordship at the said Meeting; and as you have undertaken to be a special Committee for that purpose, I take the liberty to address you, conceiving that I have something to offer highly material for your consideration.

In the first place, I must observe, that the Court which I requested of Lord Sandwich was not that of a few select members, but a General Meeting, by public advertisement in the Gazette, of the whole body of Commissioners and Governors; that the great and noble personages who constitute a distinguished part of that body, might hold a fair and impartial enquiry upon a matter, as I conceive, of the highest national concern; the business, however, is now referred to a more limited number: accordingly Gentlemen, the task devolves upon you; but as the Direction of the Hospital is impeached in a variety of instances, and as you are all Directors, I beg leave to say, that the office you have undertaken is of the most delicate nature, and indeed such as makes you in some sort judges in your own case. I must take leave to add, that the prejudice which you may naturally entertain in your own favour may operate strongly as a prejudice against me; and this I am the more warranted to say, as some of you, Gentlemen, have complained against me to the Lords Commissioners of the Admiralty; and not only so, but as I am informed, have applied to and retained some of the most eminent counsel at the bar against me, in the name of the Governors and Commissioners, a second retainer in the name of the Directors, and a third for your Secretary, who now attends you. After this, how far you will think yourselves warranted to proceed will be a matter for your consideration: as to myself, protesting entirely against this mode of enquiry, I am willing to attend you, whenever called upon, in order if the intention be to enquire with candour into the truth of the several allegations, to give all the assistance in my power for so desirable an end as that of reforming all abuses in the administration of Greenwich Hospital.

The Charges contained in the printed Case consist of the following heads:

First, That landmen have been appointed to several lucrative offices, in preference to seamen or seafaring men, in violation, as I conceive, of the Charter; and those landmen, not having been used to subordination, behaving, in a variety of instances, with insolence and contempt to the naval officers.

Secondly, That these landmen are introduced into the Council of the House, where they have votes in laying mulcts on the Pensioners, out of which very mulcts part of their additional salaries arise.

Thirdly, That the Directors have suffered many abuses in the management of the Hospital.

Under this head, the principal facts are as follow:

1st, That frequent remonstrances were made from the Council to the Directors, touching the bad quality of provisions, without effect.

2d, That the contracts have been renewed with the Butcher after he had been convicted in several penalties for sending in bull's flesh for the Pensioners instead of good fat ox beef, even tho' another action was depending against the same butcher for fifty more penalties.

3d, That the last action for fifty penalties amounting to Five Hundred Pounds, was compounded with the same Butcher, in prejudice, as it is conceived, to seamen disabled and grown old in the service of their country.

4th, That the Pensioners are supplied with bad and unserviceable shoes, which do not last the time prescribed by the establishment.

5th, That Four Thousand Pounds, or thereabout, were embezzled by a former Steward, which could not have happened if his accounts had been duly and regularly settled and examined.

6th, That several wards have been torn down, and taken from the Pensioners, for the convenience of the Secretary and his Clerk, and that the same has been done for other Clerks not intitled to apartments in the Hospital.

7th, That several under-officers, not being seafaring men, have been introduced into large wards, with their wives and families, though the seamen are not allowed to have their wives in the Hospital.

8th, That money is expended in useless alterations of the building, whilst the most rigid œconomy is observed towards the men; and One Thousand Pounds lately granted for the cleaning and repairing the paintings in the painted hall, though it appears that it might have been done for half the money, and this mode of proceeding was without giving public notice for the said work.

9th, That money, in lieu of provisions, is allowed to about one thousand men, or more, which, the provisions being bad, the men were the more inclined to take. When this was reported by the unanimous voice of the Council of the House to be the cause of great irregularities among the Pensioners, no farther notice was taken of the same by the Directors, though the enquiry was set on foot by their own desire.

10th, That the men have been greatly aggrieved for some years in the article of washing, and have been obliged to wash their own linen, though a charge is made to the Hospital of near Fourteen Hundred Pounds *per annum*.

11th, Not prosecuting the Stocking Contractor for delivering stockings not agreeable to contract, by which the men have been deprived of good stockings, which they used to be allowed.

12th, Encreasing salaries out of the Charity Stock, instead of taking in more Boys, and not confining this useful establishment more generally to the Sons of Pensioners.

13th, Summoning a Captain of the house to appear before the Directors, and interfering in the government of the house, contrary to the charter.

14th, The inhumanity of the Guardian of the Charity Boys was represented to the Directors by the Council, who declared, that they could not think themselves responsible for the good government of the Boys ward, which makes a great part of the government of the house.

15th, Wives, families, and even friends of landmen drinking asses milk at four shillings a quart at the expence of the Hospital, whilst the Pensioners were drinking four small beer mixt with water.

16th, Suffering encroachments by the Clerks of the works upon the due government of the house, in depriving the Governor or other Commanding Officer of the key of the bar leading to the waterside.

17th, Suffering great passages and stair-cases leading to capital wards to be barricadoed up, to the great prejudice of Officers, Pensioners, and Strangers who visit the Hospital.

18th, Two of the three Matrons, not being the widows of seafaring men, improperly appointed; whilst the widows of twenty-four commissioned and

warrant officers, are serving under these very Matrons in the mean capacity of common nurses, thereby creating jealousies and heart burnings.

These, Gentlemen, are the essential and important charges, there may be others that now escape me—they are all capable of proof, and if Mr. Savary, who some time since swore me at the Board of Directors to an article of expenditure, amounting to forty shillings, will be pleased to swear the several witnesses, there is no doubt but the whole truth will be told under the obligation of an oath; the men must speak out, and that will shelter them from the displeasure of any person whatever.

I do not take upon me to direct the mode of enquiry, I suggest what appears to me the best and most effectual, and I hope, Gentlemen, that it will appear in your report to the Lords Commissioners, whether any, and which of the above charges, is without foundation, the enquiry which you are upon may hereafter attract the notice of the public, and perhaps of Parliament; and as most of the facts alleged are of a nature to admit of the clearest proofs, it will be to your honour, Gentlemen, to make a full, a clear, and circumstantial report, such as will answer the true ends of the enquiry, and I trust will be a justification of my character.

I will say one word more, Gentlemen, and put an end to the trouble I now give you; my own honour is concerned upon this occasion, and I therefore declare, that I had no other motive than that of promoting the happiness of the seamen, whom I respect as men who have been disabled in the service of their country; and this feeling for seamen has been animated by the considerations, that on the eve perhaps of a French war, nothing will so effectually contribute to man his Majesty's fleets, as the reformation of all abuses in the government of an hospital, intended in its first institution, as a provision for men who are the bulwark of their country. In my situation as Lieutenant-Governor, I heard complaints, and I saw abuses; could I divest myself of my humanity? I have acted with the most ardent zeal for the good of the Hospital, and I will not suppose that zeal for the public good will be construed into a crime by any man of honour or honesty, nor will I admit an idea, that any one of you, Gentlemen, will think that he can save his own character, by doing an injury to mine. By my services in his Majesty's navy, I have earned my station in the Hospital, and I trust that no man will attempt unjustly to deprive me of it. I hope it will be remembered that the several persons who have signed complaints against me to the Admiralty on this occasion, have made themselves parties, and are, therefore, incompetent witnesses; whatever their complaints are, justice requires that they prove their case by other evidence than their own.

I am,

Gentlemen,

Your most obedient, humble servant,

Royal Hospital, Greenwich, THOMAS BAILLIE.
April 18th, 1778.

[No. 6.]

To the Right Honourable the Lords Commissioners of the Admiralty.

Royal Hospital at Greenwich, July 11, 1778.

My Lords,

IN the station which I have the honour to fill as Lieutenant-Governor in Greenwich Hospital, I thought it my duty to be, to the utmost of my power, the friend of the seamen. I esteem that brave body of men; I consider them by the contributions they pay out of their wages, as purchasers of a retreat at Greenwich; I honour their valour in the service of their country, and I always considered them

by their merit intitled to every advantage the Hospital can afford. But I saw abuses which I conceived to be highly prejudicial to the Pensioners, and some of those abuses appeared to me manifest violations of the charter.

I drew up a state of the case, and sent it to Lord Sandwich, in hopes that the grievances, as soon as known by his Lordship, would be redressed; but it seems the liberty I took has given offence. My book was not printed for publication, it was intended for the Governors only; and to them, when I thought it necessary, I sent the state of the case. The consequence has been the appointment of a board of enquiry; as soon as that board met, I addressed them by letter, I avowed the memorial or state of the case to be mine, and to save trouble as much as possible, I endeavoured to draw to a point the heads of the charges which I had thought it my duty to make.

The facts alledged by me are of public concern, and I imagined would have been the object of the enquiry; in this I was disappointed, the Gentlemen who formed the Board of Enquiry, were attended by Council, who came as a special pleader, to collect materials, not for the public good of the Hospital and the seamen, but for other purposes; he had no feeling for the Pensioners, it has been his sole object to narrow the enquiry, as if a particular set of men were his clients in preference to the public; under his conduct the enquiry has been such, as I am persuaded will not do honour to those *who lent themselves* to such partial purposes, whenever the minutes of their proceedings, and the scandalous abuse I met with upon various occasions, shall be laid before a proper tribunal.

From the first moment it was easy to see what kind of a report was like to be the result of an enquiry so conducted; will the Gentlemen who sat as the Board of Enquiry, take upon them to state the facts charged in the case, and make a distinct report under each head? I am convinced they have not ventured to do it, for facts are stubborn and can be verified, let who will report against them; and if a report under each distinct head of facts cannot be made, or is not made, I presume to ask, can any fair conclusion be drawn from such a report? The whole matter has to my astonishment been carried before His Majesty's Court of King's Bench, and is now there depending, and must continue so till November Term; for it seems the special pleader who attended the Board, has with the spirit of a person versed in legal stratagems, contrived to have the court moved for six informations in one day; and what day? The only day in the term which by the practice of the court was left for such a scheme; namely, the last day but one of the term, the said special pleader well knowing that it would be impossible for me to shew cause on the next day, of course the matter stands over; but a time will come when I shall have an opportunity of answering the volume of affidavits framed, as I suppose, by the same special pleader, to harass and oppress me with expence, as I am informed it will cost no less than forty pounds to take out office copies of the affidavits.

But I shall be ready to meet the charge, and since it is now a business *sub judice*, the determination of the court, or perhaps the verdict of a jury, will hereafter make it known to the world, whether the allegations of the printed case are without foundation, and of course written with a libellous spirit; or on the contrary, whether the whole proceeded (as I aver it did) from a love of truth, and a sincere regard for a body of men who have deserved well of their country.

I have the honour to be

with the greatest respect,

My Lords, &c. &c.

THO. BAILLIE.

[No. 7.]

S I R, *Greenwich Hospital, July 11, 1778.*

I beg the favour you will lay the above Letter before the Right Honourable the Lords Commissioners of the Admiralty.

I am,

S I R, &c. &c.

To Philip Stephens, Esq.
Secretary to the Admiralty.

THO. BAILLIE.

[No. 8.]

S I R, *Admiralty-Office, 20th July, 1778.*

I HAVE received your Letter, dated the 11th instant, respecting the proceedings of the Committee appointed to enquire into the allegations contained in the printed State of the Case of Greenwich Hospital; and I have laid the same before my Lords Commissioners of the Admiralty.

I am,

S I R,

Your most humble servant,

Tho. Baillie, Esq. Lieut.
Gov. of Greenwich Hospital.

PH. STEPHENS.

[No. 9.]

S I R, *Greenwich Hospital, Aug. 14th, 1778.*

HAVING been this day suspended from my employments of Lieutenant-Governor, Director and Member of the Council of the Royal Hospital for Seamen at Greenwich, in pursuance of an order from the Right Honourable the Lords Commissioners of the Admiralty, to Sir Charles Hardy, Knt. Governor of the said Hospital, who has ordered me to be suspended accordingly, and has notwithstanding refused to give me a copy of the said order, I therefore beg the favour you would move their Lordships to direct that I may be furnished with a copy of the order by which I am so suspended.

I am,

S I R,

Your most humble servant,

To Philip Stephens, Esq.

THO. BAILLIE.

[No. 10.]

S I R, *Admiralty-Office, 4th Sept. 1778.*

I HAVE communicated to my Lords Commissioners of the Admiralty your Letter of the 14th past, desiring to have a copy of the order by which you was suspended from the employments of Lieutenant-Governor, Director, and Member of the Council of the Royal Hospital for Seamen at Greenwich. In return, I am commanded by their Lordships to acquaint you it is not customary to give copies of their orders.

I am,

S I R,

Your very humble servant,

Capt. Tho. Baillie,
Greenwich Hospital.

PH. STEPHENS.

A List

A List of Warrant Officers appointed to the Royal Hospital for Seamen at Greenwich by Lord Sandwich, all of whom are allowed Apartments, Coals, Candles, and necessary Medicaments for themselves, Families, and Servants.

John Corbet, Secretary,	—	—	Not at sea.
Swinfin Jervis, Auditor,	—	—	Not at sea.
John Izard, Steward, Freeholder of Huntingdon,	—	—	Not at sea.
John Godby, Steward, Burgefs of ditto,	—	—	Not at sea.
Stephen John Maule, Clerk of the Checque, Freeholder of ditto,	—	—	Has been at sea.
John Cooke, Chaplain, Burgefs of ditto,	—	—	Not at sea.
John Maule, Chaplain, Burgefs of ditto,	—	—	Not at sea.
William Eden, Auditor,	—	—	Not at sea.
Thomas Fearon, Brewer,	—	—	Not at sea.
Stephen Hickman, Brewer,	—	—	Not at sea.
Thomas Joyce, Butler,	—	—	Not at sea.
Walter Copestake, Butler,	—	—	Not at sea.
John Izard, Steward, Freeholder of Huntingdon,	—	—	Not at sea.
William Saword, Butler, Freeholder of ditto,	—	—	Has been at sea a few months.
James Skeene, Butler's Mate,	—	—	Not at sea.
James Wartel, Cook,	—	—	Not at sea.
Alexander Moore, Cook,	—	—	Not at sea.
Thomas Hardcastle, Cook's Mate,	—	—	Not at sea.
James Skeene, Cook's Mate,	—	—	Not at sea.
James Webb, Cook's Mate,	—	—	Has been at sea.
Alexander Moore, Cook's Mate,	—	—	Not at sea.
Moses Joy, Cook's Mate,	—	—	Not at sea.
James Arundel, Cook's Mate,	—	—	Not at sea.
John Matthews, Cook's Mate,	—	—	Has been a marine.
Roger Hunt, Cook's Mate,	—	—	Not at sea.
Nicholas Levet, Scullery Man,	—	—	Not at sea.
William Garner, Scullery Man's Mate,	—	—	Not at sea.
Doctor Scott, Rector of Simonborne, belonging to the Hospital,	—	—	Not at sea.
— Turner, late Mayor of Huntingdon, Receiver of the Derwentwater estate,	—	—	Not at sea.
John Furber, Schoolmaster to the Charity Boys,†	—	—	Not at sea.

Out of twenty-nine warrant officers, only four have served at sea, three out of that four a very short time. Twenty-five have not served at sea, besides a number of Clerks not mentioned, who are lodged in the Hospital.

This List of Landmen in a Naval Hospital, and the following Affidavits, make part of the Defendant's Council's brief.

Abstracts of Affidavits filed in the Court of King's Bench in support of the Facts stated by Captain Baillie in the printed Case of the Royal Hospital for Seamen at Greenwich.

The several Affidavits of the six prosecutors, being chiefly quotations from the printed Case of the Hospital, and complaints of the personal injuries they suppose therein, would make large volumes; they are therefore obliged to be omitted for the sake of brevity, as well as Captain Baillie's affidavits in reply, which assert and maintain the truth of all and every the accusations alledged. But as the different officers of the Hospital, who were sworn before the Judges of the King's Bench, cannot be considered in the light of *ex parte* evidence, true and faithful abstracts are given from the originals filed in the Court of King's Bench; on which every person will naturally make his own reflections on the then situation of Captain Baillie; and it is requested that the reader would have in his memory the extraordinary difficulties that officer had to encounter in his plan of reformation; the obstacles, threats, and allurements thrown in the way to baffle him of any * evidence at all; the inequality of the contest between the First Lord of the Admiral-

ty and a poor individual without fortune, unsupported and unconnected; and finally, the whole weight of ministry thrown into the unequal balance.

[No. 1.]

Abstract of the Affidavit of Alexander Moore, Cook, relating to Bull Beef.

HE swears, That he has been one of the Master Cooks in the Hospital for two years last past, and Cook's Mate two years before.

That about four years ago there was much murmuring amongst the Pensioners, on account of the badness of provisions.

That he always narrowly viewed it, and was convinced it was the flesh of bulls, and what was usually sold for twelve or fourteen shillings per hundred weight.

The good ox beef, agreeable to contract, was worth about thirty-four shillings.

That being newly appointed Cook's Mate, he did not speak of it for near ten months, not being acquainted then with the terms of the contract.

He then accused the Butcher's men, bid them acquaint their master to send better meat, or he would inform the Officers—but this threat produced no alteration for the better. On the 1st of June 1775, the deponent told the Steward of the Hospital, John Godby, that the meat he was then receiving, was the flesh of bulls, and was generally the same; and the Butcher's man who was delivering it acknowledged the fact.

He was surprized to see the cool indifference of the Steward Godby on the information—who went away for a while, then returned, and ordered it to be dressed for the men.

During this short absence of the Steward, the contractor's servant expressed contrition and sorrow at being concerned in the fraud, and confessed that the beef generally delivered was the flesh of bulls, and the mutton the flesh of rams, and he would swear to it.

On this they both went and told the whole to the Lieutenant-Governor Thomas Baillie, Esquire, and carried some of the pieces ready dressed to him, the Butcher's man adding that the same sort had been served to the Hospital for several years.

The Lieutenant-Governor was very attentive to them, he tasted and endeavoured to chew it—and then asked many questions—he warned the man to be sure of what he said, as the charge was of an atrocious nature, and enquired if the informer, named Boycot, the Contractor's man, had had any quarrel with his master; to which it was answered that his only reason was his being hurt at being made the instrument of cheating the Pensioners—Boycot came down again with meat on the 3d day of June 1775, and then Lieutenant-Governor Baillie cautioned him again a second time, to say only what was strictly true—Boycot said there were others who would confirm what he alledged.

The Lieutenant-Governor then told him he would go to town in a few days, and if they were desirous he would carry them to a magistrate.

They accordingly went on the 9th of the same month, in company with the Lieutenant-Governor, Captain Allwright, a Captain of the Hospital, Boycot having brought along with them James Hatterley, another of the Contractor's servants—who both swore to the truth of the above facts before Mr. Justice Pell.

The deponent Moore swears he had good reasons to believe that the Directors of the Hospital were very unwilling to prosecute the contracting Butcher Mellish, for that during the whole time of the prosecution commenced against him the said Mellish, and during a second prosecution against the said con-

† Not appointed by Lord Sandwich, but by the Directors.

* In an information in the King's Bench for a Libel; a witness cannot be summoned, as in an action at law, therefore it frequently happens that a witness must either ruin himself, or the defendant be found guilty for want of evidence, which constitutes the extreme tyranny of this process.

tractor, in all near two years, it did not appear to him the deponent Moore, that any Director concerned or interested themselves in the affair, except the Lieutenant Governor Baillie.

The deponent swears, that the proofs would have been more strong and circumstantial, on the second trial, there being five witnesses, who all concurred to the facts.

The deponent Moore further saith, that on the 11th of June, 1775, two days after the depositions were taken, Godby, the Steward of the Hospital, sent to the deponent, and took great pains to persuade the deponent not to say, that bull beef had been delivered in the Hospital.

And on the 12th of the same month, the reverend Mr. Cooke, first Chaplain of the Hospital, and also a Director, sent to the deponent, and endeavoured, by various persuasions, to prevail on the deponent not to say, that bull beef had been received. The said reverend Mr. Cooke adding, that bull beef was good enough for the men; and used many contemptuous and opprobrious terms, speaking of the Pensioners.

He swears, that sow pork, with large dugs, was delivered for the Royal Founder's Festival day.

The deponent swears, he is frequently insulted by the Steward Godby, who addresses him by the appellation, of Now Mr. Bull Beef, Sow Pork, &c.

He swears, he has had no recompence for his trouble in travelling three thousand miles, on account of these prosecutions, and his bill of charges unjustly curtailed.

He swears, the Directors favoured the contracting butcher through the whole.

He swears, he has been frequently present, when the Pensioners made complaints to the Lieutenant Governor; and the constant practice of the Lieutenant Governor was to caution the men not to magnify their grievances, and to behave themselves peaceably, and he would endeavour to have them redressed.

That when the great disturbance happened about a year ago, relative to the bad beer, he believes the men would have went in a body to the King, had they not been prevented by Lieutenant Governor Baillie.

The deponent Moore swears, that since he made the complaints against the contractor, he has been threatened to be turned out of the Hospital by the Governor Sir Charles Hardy, who told this deponent, that he was a busy fellow, and had done what he ought not do, meaning, his discovering the frauds.

REMARK.—That the character of this Alexander Moore is of the most sterling value; he has been the principal instrument of bringing the Contractor to punishment; but it must not be concealed that he is a landman: yet such is the spirit and honesty of this man, and his zeal for the establishment, that he says, he would willingly resign his employment, if he could but see the useless and mischievous landmen turned out at the same time.

[No. 2.]

Abstract of the Affidavit of William Lefevre, Lieutenant in the Hospital, and oldest Lieutenant in the Navy.

Memorandum, Dead since the commencement of the prosecution.

HE swears, That he has been Lieutenant in the Hospital twelve years, and intimately acquainted with the Lieutenant Governor Baillie thirty years; that during the whole time, he the said Lieutenant Governor has conducted himself with the strictest honour and integrity, and has always shewn himself a true and zealous friend to the pensioners, and a most

vigilant and faithful servant to the noble establishment, without view or interest to himself.

He swears, that in April, 1771, there was a great disturbance in the Hospital, on account of Mr. Secretary Ibbetson taking down several cabins, and driving the poor men, the inhabitants, out, in order to enlarge his apartments, and make room for his footmen.

Captain Baillie then warmly interested himself in behalf of the Pensioners, and got the men restored to their cabins. This, he swears, drew the malice and resentment of the said Ibbetson against the Lieutenant Governor Baillie.

He swears, the grand passages to the Royal George Ward are taken in by the civil officers, to enlarge their apartments, contrary to the interest of the establishment, and to the injury of the Pensioners.

He swears, that in September, 1772, there were universal murmurings amongst the men, on account of the short allowance of meat served; and through the activity and zeal of the said Lieutenant Governor Baillie, the theft was discovered, and the delinquent, by the means of the said Baillie, was brought to justice, and transported.

He swears, that in year 1774, the said Thomas Baillie was the means of discovering, that the kettles were pillaged of large quantities of broth, which the then master cook had contracted to deliver to a hog feeder, and that the said Lieutenant Governor Baillie was the chief instrument in rectifying that great abuse.

He swears to the affair of bull beef and the trials at Guildhall in consequence; and that it was by the vigour and activity of the Lieutenant Governor, who devoted his whole time to it, that they had justice, no other Director taking the least trouble.

He swears to frauds in the Brewhouse, and a reformation brought about by the indefatigable Lieutenant Governor Baillie.

He swears, that the Lieutenant Governor Baillie, by his honest and upright intention, and by his protecting the establishment, has drawn on himself the malice and resentment of the civil interest, and that they have frequently at Council, when he has been presiding as Lieutenant Governor, treated him with undeserved disrespect and insults.

That the said Lieutenant Governor Baillie has, during his the deponent's residence, always treated the officers with proper respect, and the men with tenderness and humanity.

[No. 3.]

Abstract of the Affidavits of Charles Lefevre, son to William Lefevre.

CHARLES LEFEVRE, of Clayhill, in the county of Kent, esq. aged thirty years, swears, that he personally knows most of the Naval Officers in Greenwich Hospital, and is well acquainted with the disputes that have subsisted there for some years.

That he has known Lieutenant Governor Baillie from his childhood; and that since he has been of an age capable of judging, the said Thomas Baillie has behaved himself in every respect as a man of the strictest honour and integrity.

He swears to the many opportunities he has had of observing the conduct of the Lieutenant Governor, and that he always conducted himself with care and attention, as well as calmness and perseverance, in the discharge of his duty, and that, he believes, he has been actuated by no other motive, than a laudable wish to protect the poor pensioners.

He swears, that a faction actually exists in the Hospital, occasioned by the introduction of landmen, who have diligently opposed the Lieutenant Governor and Naval Officers from bringing to justice those culprits who have cheated the Hospital, particularly in

in the actions at law brought by the Directors against the contracting Butcher; and that it was by the activity of the Lieutenant Governor that the establishment had justice.

He swears, that the reverend Mr. Cooke, first Chaplain to the Hospital, told him, that Lord Sandwich would mark any man who kept company, or associated with the Lieutenant Governor Baillie, and that if he brought the affairs of the Hospital before Parliament, he would get intelligence of it before hand, and turn him out of his office.

He swears, that the said reverend Mr. Cooke, as from Lord Sandwich, threatened the deponent, his father, and family, with ruin, to intimidate them from giving testimony of the abuses in the Hospital.

He swears, that about the 10th of June, 1777, the said reverend Mr. Cooke read him part of a letter from Godby, the Steward—The purport of which was, giving an account of the Contractor compounding the penalties for the fraud in the contract, and preventing the trial from coming on, which the Civil Interest looked upon as a complete victory. These curious words were part of the composition. "I and my friends dined elegantly at a tavern, and regaled ourselves with French wine, after Baillie and his party were gone, who sneaked out of Court like dogs who had lost their tails."

He swears, that the Lieutenant Governor, upon every occasion of complaint, always recommended to the men to behave peaceably, and not to magnify their grievances.

[No. 4.]

Abstract of the Affidavit of Captain Thomas Allwright.

SWEARS, that he has been a Captain in the Hospital six years.

He describes the original intention, and subversion, by the introduction of landmen to the lucrative offices, as they fall vacant.

He attests, in very strong terms, the honourable character of the Lieutenant Governor, and his having drawn on himself the malice of the faction, by his zeal in protecting the poor Pensioners.

He swears the Lieutenant Governor is every way qualified, and fit for his office.

He swears to the frauds in robbing great quantities of meat from the kitchen. The extraordinary difficulties in coming at the bottom of the affair, and the spirit, diligence, and activity of the Lieutenant Governor, assisted by the deponent, and Lieutenant Kerr, in bringing the delinquents to justice.

He describes the main walls of the buildings being cut and bored, to make flues for chimneys, for the accommodation of Mr. Secretary Ibbetson, his clerks and underlings.

He describes personal insults from one Dickey, a turncock, supported in the most unjustifiable manner by the land faction.

He swears, that after he had with great difficulty brought the said Dickey to a submission by order from the Admiralty,

That the reverend Mr. Cooke, first Chaplain of the Hospital so preached at him personally from the pulpit.

He swears to being present on duty in the kitchen, when three quarters of bad beef had been offered, with the prime parts cut out, contrary to the contract. The ill behaviour of Godby the Steward, on the occasion, and obstructions, himself and Lieutenant Governor met with from him, in the execution of their duty.

He describes the actions at law against Mellish, the Contractor, and gives great merit to the zeal and activity of the Lieutenant Governor.

He swears to the partiality of the Board of Directors, in favour of *civil officers*, and the influence of the Clerk of the Works, in getting orders of the Board rescinded, to prevent his having the most trifling indulgence.

[No. 5.]

Abstract of the Affidavit of Lieutenant Gordon, aged seventy years.

SWEARS, that he has been thirty years in the Hospital.

He describes the original intention of the establishment—That it is subverted by the introduction of landmen, who for their own private purposes, have formed themselves into a faction, to get the whole direction and government into their hands, greatly to the injury of the poor Pensioners.

Attests, in the strongest terms, the honourable character of the Lieutenant Governor, and that he believes in his conscience his sole view is the good of the establishment, and to prevent the revenues from being wasted and misapplied.

That by this laudable behaviour, the Lieutenant Governor has drawn on himself the resentment of the faction of landmen.

He describes their sumptuous apartments.

He swears to Mr. Secretary Ibbetson's tearing down the men's cabins, and taking in the galleries of the Great Wards for himself, clerks, and underlings, with their wives and families, and that these people have no right to the establishment.

He swears to the complaint made by the men, on account of bad shoes and stockings, and the bad washing the linen, which is all done by contract.

He swears, that he examined several pairs of shoes and stockings, and that the linen returned from the contracting walterman, was in a filthy and unwholesome condition.

That the Lieutenant Governor has endeavoured to remedy it.

He swears, that there are four landmen who have procured seats at the Council of the Hospital, who seek every occasion to insult the Lieutenant Governor, even when presiding in Council.

He also swears to the uncommon pains and arts made use of by the said reverend Mr. Cooke, to persuade the Naval Officers to sign a paper against the Lieutenant Governor, to ruin said Lieutenant Governor at the Admiralty, and to make the same an act of Council. The majority of the Naval Officers refused it with indignation; the landmen signed it, and four others.

He swears, that they are endeavouring to deprive the Lieutenant Governor of his office, which he has hitherto held with great honour to himself, and advantage to the public.

[No. 6.]

Abstract of the Affidavit of William Ansell, Lieutenant of the Royal Hospital, Greenwich.

SWEARS, he has been in the Hospital four years.

Describes the faction of landmen, and their endeavours to get the sole government of the Hospital into their hands.

Attests the character of the Lieutenant Governor, both in the capacity of a private gentleman and as Lieutenant Governor; and that he has been the principal means of redressing many great and real grievances of the men, which has drawn on him the resentment of the faction, who have treated him with underserved disrespect and contempt on that account.

[No. 7.]

Abstract of the Affidavit of John Boniface, Pensioner, and Yeomen of the Chapel.

DESCRIBES very particularly the carpenters beating down the cabins about the men's ears for Mr. Secretary Ibbetson, at an unreasonable hour, and without notice.

That in consequence he, as one of the inhabitants, lay on the floor for fifteen nights, before the order for the births being restored, and the cabins built up again.

He swears, that he is, and has been, obliged to lie with his door open for several years, on account of the stench of a drain made for the accommodation of Lieutenant Besson.

He swears, that he has been yeomen of the Chapel for twelve years, and that the reverend Mr. Cooke having taken umbrage against him for appearing as an evidence for the Lieutenant Governor, has behaved to him in such a manner, as to oblige him to resign his said employment of Yeomen of the Chapel.

He swears, that by order of the Chaplains, he has constantly carried four or five bottles of the Sacrament wine to their apartments, for their own use; that only three or four bottles of wine have been used by the Communicants, and that the Sacrament of late has been administered eight times a year instead of four times.

[No. 8.]

Abstract of the Affidavit of Day and Boniface, Pensioners.

SWEAR to Mr. Secretary Ibbetson assuming greater authority in the government of the Hospital, than his office entitles him to, and of his insulting and barbarously and inhumanly beating the said Day, so as that he was obliged to be carried to the Infirmary.

That said Ibbetson never made the least recompence for the injury.

That he, knowing Mr. Secretary Ibbetson's power, was unwilling to complain, for fear of being turned out of the Hospital.

Day swears, that ever since the ill-usage received from said Secretary, he is troubled with giddiness in his head.

[No. 9.]

Abstract of the Affidavit of Thomas Field and Norman Robinson, Pensioners and Boatswains.

SWEAR to the measuring seven hundred and seventy-two sheets of the infirmary, on the 24th and 25th of June last, in presence of the respective nurses; and that there was a deficiency from the standard measure* of one hundred and eighty-one yards.

In the Queen's Ward, there was a deficiency of forty-four yards in one hundred and sixty sheets. That in one hundred sixty shirts, which should contain three yards and a half, there was a deficiency of fifty-four yards of cloth.

They swear, that both sheets and shirts have been so ill washed for some years, that they stunk unsufferably, the same being washed, as they believe, in hog's dung.

[No. 10.]

Abstract of the Affidavit of Benjamin Hooper and Charles Granger, Petty Officers.

ATTEST, in the strongest terms, the bad washing; and that they were generally obliged to have

them re-washed, and pay for it out of their own small pittance of tobacco-money.

They describe and complain of the faction, and say that the Pensioners look to the Lieutenant Governor as their most zealous friend.

They describe the villanous extortion of the Hospital Barber forcing the men to pay money for being shaved, and their being relieved from the oppression by the Lieutenant Governor.

They swear to the badness and insufficiency of shoes and stockings.

They swear also to the deficiencies in the measure of all the sheets in their wards, as well as deficiencies in the size of the shirts.

[No. 11.]

Abstract of the Affidavit relating to fraudulent Masters of Workmen.

SAMUEL PRESTIDGE, late foreman to Mr. John Wilmot, Contracting Plaisterer of the Royal Hospital at Greenwich;

Swears, that about the month of August 1777, he was put upon the muster of the Royal Hospital for day-work, but was ordered by Wilmot to go and work on two private houses, building in the town of Greenwich, where he was employed above six weeks, and all that time mustered on the work of the Hospital, without ever being chequed for absence above once.

And he swears the labourers who attended him were taken off the works of the Hospital in like manner as the deponent, and employed in working on the same houses; and the same has happened at several other times with him and several other men.

And this deponent says, by these means the contractor was paid twice over for all his men so mustered, that is to say, in the Hospital he is paid for them by the day, and for the jobs done in the town by admeasurement.

[No. 12.]

Abstract of the Affidavit of Thomas Lehman, a Pensioner, and employed as a Bricklayer's Labourer.

SWEARS to encroachments made by the Clerk of the Works in turning out tenants who paid rents to the Hospital from plots of ground occupied by them, and monopolizing a large yard on the west side of the Hospital, for the greater convenience of his coach-houses, stables and cow-houses.

He swears to several underlings having apartments who are landmen.

He swears to the delivering great quantities of bricks, belonging to the Hospital Bricklayer, at different times, which he believes were purloined, though it was done under a pretence of lending; that other store bricks, under the same pretence, were carried to the Duche's of A—'s on Blackheath.

He swears, that himself and other workmen, whilst on the muster-roll of the works of the Hospital, have been taken away and employed by the Clerk of the Works' Clerk, one Skeene, to repair a house in Park-Row, Greenwich, belonging to the father-in-law of said Skeene; and to the embezzlement of large quantities of coals by the said Skeene.

[No. 13.]

Affair of the cleaning the Painted Hall, for which the Hospital paid 1000l.

JOHN BERTELS of King-Street, St. James's, London, swears he is one of the most considerable picture-dealers and picture-cleaners in Europe.

* The standard is two yards and a half each long.

That in the year 1775, he particularly viewed the Painted Hall at Greenwich, in company with the Lieutenant Governor Baillie, Mr. Forequet, a capital foreign picture-dealer, and two other eminent artists; and the Lieutenant Governor being desirous to know their sentiments, he made an accurate survey; that he would have undertaken to have cleaned, repaired, and done every thing necessary to the ceiling, walls, &c. for the sum of 400l. and he swears he should have had a very considerable profit.

And the deponent swears he saw the same when finished, and that he would have done it equally well, if not better for the said sum of 400l.

THE affidavit of John Greenwood, an eminent merchant of pictures, and bred a painter, is to the same purpose.

[No. 14.]

JOHN GLASS swears he has the care of shewing the Painted Hall, and that whilst the pictures were cleaning, he kept an exact account of the number of workmen, and of the number of days they were employed; and that, according to an exact calculation of their respective wages, of which they themselves informed him, the whole amount of labour was 17 l. 16s. 6d. without reckoning materials.

[No. 15.]

JAMES RAY, master carpenter, of the parish of Marybone, swears to the bad planning, bad materials, and bad work of the New Infirmary, and in consequence thereof, that it is in a bad condition, and wants a general repair.

[No. 16.]

Abstract of the Affidavit of Charles Smith and John Gibbs, Boatswains.

SWEAR, that on the restoration of the cabins to the Pensioners, in the year 1771, which were taken down by means of Mr. Secretary Ibbetson, most of the Pensioners of the Hospital assembled, and went to the apartments of Captain Thomas Baillie, and to testify their gratitude and approbation of the successful struggle he had made for them, gave him three cheers before his windows.

And the deponent Gibbs persuaded Smith to bring the charity-boys and follow the example of aged seamen; he therefore assembled his boys, and gave three cheers likewise to the said Captain Baillie.

The deponent Charles Smith was soon after dismissed from his office of Guardian of the Boys without trial, when sick in the Infirmary, without being guilty of any offence whatever.

They both swear it was through the means and influence of Mr. Secretary Ibbetson, that the said Smith was discharged from his said office.

Smith swears, that the small pittance he received from his office had hitherto enabled him to maintain a wife and two children; that by being deprived of the little benefits he used to enjoy, they were wofully impoverished, the wife went on languishing in misery and wretchedness, he the deponent being able to spare little or nothing, having the two children to maintain; she continued a considerable time in the greatest penury and distress, and at last, for want of the common necessities of life, actually expired at the gates of the Royal Hospital.

And the deponent Smith swears he was obliged to put one of his said children in the workhouse, where, as deponent verily believes, she pined for having lost her mother, and soon after died.

REMARK—One would think the three cheers were by this time pretty well revenged—but the suffering of the poor boys is now to commence, for the humane and good-natured Smith, their late guardian, was succeeded by John Williams, the most infernal savage that ever existed, whether this happened by accident or design is not mentioned. The following affidavits of Robert Farrel and James Willson will exhibit him to view.

The deponents also swear to the allowance of shoes and stockings, being three pair in two years. That they are of late so bad that they do not last the men near half the time; they are therefore obliged to spend almost all their tobacco-money to mend them and buy others.

The deponents both swear, that the zeal and attachment of the said Lieutenant-Governor Baillie to the cause of the Pensioners, and his reforming numerous abuses, has brought on him the malice of the civil interest or faction; but that in return he has the good will, esteem, and love of by far the greatest part if not all of the Pensioners.

[No. 17.]

Abstract of the Affidavit of Robert Farrel, Pensioner, aged Seventy-four Years, Nineteen Years a Pensioner.

THE deponent swears he has been an assistant to several different guardians of the boys.

He describes the general joy of the Pensioners on the restoring the births or cabins; the three cheers of the Pensioners and the Charity Boys, to the Lieutenant-Governor, as a mark of the Pensioners gratitude.

He swears the civil officers took offence at this, and for this only, Smith the guardian of the boys was dismissed from his office, though a most humane good man, and proper in every respect for his station.

He describes Williams, the successor to Smith, as of the most cruel and merciless temper, frequently gagging the children with iron bed-screws, handcuffing them together whole nights, and keeping them without water till they have almost perished; he has seen the young creatures reduced to the dreadful extremity of drinking their own urine. And when this deponent has privately conveyed them a little water he has been threatened by the above monster of barbarity.

All this has been represented to the Lieutenant-Governor Baillie, and the deponent verily believes the said Lieutenant-Governor has done all in his power to redress such crying grievances, though without effect.

The deponent swears he has been dismissed from his office by means of said Williams, without any trial or examination whatever, and that the opportunity of effecting this was taken during the absence of Lieutenant-Governor Baillie, who deponent believes would not have suffered it.

MEMORANDUM—It is alleged by the directors and landmen, that the ward of Charity Boys is not under the controul of the Naval Officers. The Guardians, Nurses, and under Officers in this uncertainty know not where to apply if they should be disposed to represent the ill management. The dreadful consequences appear in the above affidavit, and in other affidavits the same is corroborated, with the additional circumstances of nastiness, filth, and stench abounding to such a degree, that those who have visited the ward have been immediately taken with sickness, rechings, and vomitings, and constrained to hasten from the abominable nuisance.

They swear, that they have never seen any officer visit it but the Lieutenant-Governor, Captain Allwright, and Lieutenant Kerr.

Abstract

[No. 18.]

Abstract of the Affidavit of James Wilson, a Pensioner and Assistant to the Guardian of the Boys Six Years and a Half.

DEPONENT swears, that soon after his appointment to the said office, he saw John Williams, the Guardian, gag several of the boys in a very cruel manner with iron bed screws, which he used to tie with small cords in their mouths, and keep them in that situation for an hour together; and he has known the said Williams to handcuff two boys together and keep them in a dark room all night; and also in very hot weather to lock the said boys up in little close dark rooms till they were just famishing for want of water. He the deponent has sometimes seen them drinking their own urine through want of water, and that this deponent and a brother mate, since dead, have been frequently reprimanded for giving the boys water when they were in that condition, and Williams threatened to have his brother mate broke for it.

In other affidavits stripes were laid on the poor boys with equal barbarity.

The deponent swears, That a state of these cruelties were laid before the Council; and afterwards as they have heard and believed before the Governor Sir Charles Hardy, but they never heard of any redress, or that the said Williams was ever reprimanded.

He swears, though he has been six years and a half in the Boys Ward, he does not know under whose government he is to suppose the ward is.

[No. 19.]

Abstract of the Affidavits of Elizabeth Bolton, Nurse Eighteen Years in the Hospital, and never on the Complaint Book, and Mary Rose, Nurse Four Years and a Half.

THEY both swear, that they applied to Miss Birt, the Matron of the Hospital, concerning the bad washing, but not being able to obtain any redress from her, they appeal to the Council of the Hospital, and bring a specimen. The gentlemen say it smelt so offensively that they could scarcely bear it in the room.

They swear, That the shirts are so short that many of the men cannot put them in their breeches; and that the sheets are very deficient; that the caps, stocks, towels, and pillow-cases are also in general deficient, excepting those delivered since the Court of Enquiry into the affairs of the Hospital, and now they are made a proper size.

Elizabeth Bolton swears the gowns and petticoats delivered to the nurses in former times, used to be very good, and that lately they have not been worth half the money they used to be.

They both swear, that they have been repeatedly threatened by Miss Birt, the Matron, and Captain Maplefen, a Captain in the Hospital, to be turned out of the Hospital if they or either of them should be seen going to the house of Lieutenant-Governor Baillie; and this threat they understand is to intimidate them from giving evidence concerning the affairs of the Hospital.

They both swear, that the bed, bed ticking, and bedding are inferior in quality to what they used to be, and particularly since Steward Godby has been in office.

[No. 20.]

Abstract of the Affidavit of Thomas Rapy, a blind Pensioner.

SWEARS he has been in the Hospital eight years, and never been complained of on any account what-

ever; that he is totally blind, having lost his sight on the coast of Africa.

He swears, that the posts and rails that were erected several years ago almost all round the Hospital, were intended for the safety of the blind and lame Pensioners, and bear the name of Blind Men's Walk.

That they are now all taken away, and in consequence, one Robinson, a Pensioner, has had his leg broke, and Newman, a Pensioner, has had his hand torn, and also bruised in the body, by being pressed against a wall by an ass laden with pots.

And the deponent swears, that he has been in very great danger, and thinks he should have been killed by a vicious stone-horse had he not met the accidental assistance of another Pensioner, who pulled him under a gateway.

The deponent has spoke to the other blind men, who say they would go to the farthest part of the globe to serve the Lieutenant-Governor, but they dare not appear for him, as it is reported that every man who gives his evidence in his favour, shall be turned out of the Hospital, otherwise deponent believes they would all come forward and attest in his favour.

The deponent swears to the bad washing and intolerable stench of the linen when returned.

He swears, that he has at times stuck several pins in his shirt when it went to be washed, but the shirt was always returned with the pins in the same places.

For five months successively he has paid out of his small pittance to have his linen re-washed.

The deponent further says, that when the Court of Enquiry was held at Greenwich—the deponent and several other blind men attended in order to give evidence; but their testimony was positively refused, and they were ordered to retire without being heard.

[No. 21.]

Abstract of the Affidavit of William Gough, Pensioner, and late Boatswain of the Jennings Ward, aged Sixty-four Years.

THIS deponent swears, that he has been nine years in the Hospital, and on the Court of Enquiry held at Greenwich, he was in waiting in an outward room with several Pensioners and others.

And the Rev. Mr. Cooke having past and repast a great number of times, the deponent observed John White, a Boatswain, pull off his hat every time the said Rev. Mr. Cooke chanced to come by, so as to appear ridiculous or improper; on which Gough told White that one salute was enough, and that more was not expected by any gentleman from a poor man, and added that the Rev. Mr. Cooke was not one of their commanders.

He swears he had not the least intention of giving offence or disrespect to the said Rev. Chaplain thereby.

This conversation was reported to the Chaplain by a Publican at Greenwich, who immediately got the deponent on the complaint book, and though the deponent went and asked his, the Chaplain's forgiveness, yet the said Chaplain brought him before the Council and discharged him from his office.

He swears to the custom of forgiving the first fault. This was the first he committed in nine years.

He swears, that he verily believes he should not have been punished as aforesaid, had he not appeared as an evidence at the Court of Enquiry for the Lieutenant-Governor Baillie.

He swears to the pipe or drain coming from Lieutenant Besson's new apartments to be the most intolerable nuisance. The men of several cabins being obliged to get up from their beds in the night.

The men resident in the ward have applied several times to the Lieutenant-Governor to have it remedied,

died, but he has not been able to bring about an alteration.

He declares the general love and esteem of the Pensioners for the Lieutenant-Governor Baillie—and that the land faction counteract him.

[No. 23.]

Abstract of the Affidavit of William Caverdill, a Pensioner, Eighty-nine Years of Age, Forty-nine Years at Sea, Twenty-four Years a Pensioner.

HE swears to the taking down of the cabins by means of Mr. Secretary Ibbetson, without any previous notice—the restoring the cabins—the general joy of the Pensioners—the three cheers given to the Lieutenant-Governor, all which offended Mr. Secretary.

He swears, that he remembers that in the time of Lieutenant-Governor Smith, who inhabited Mr. Secretary Ibbetson's present apartments, the great gallery or passage leading to those apartments, as also to the Victory ward, was all open, and occasionally used by Officers and Pensioners; and that the same has been enclosed to enlarge the said apartments, and that the stair-case now used by said Pensioners is a very narrow one.

And this deponent swears, that before the transportation of the contracting Butcher's servant, who was permitted to steal large quantities of the Pensioners meat, and before the conviction of the contracting Butcher for serving the Hospital with bull beef.

The allowance of this deponent, which ought to be a pound of meat five times a week was used to be so scanty and so bad, that he was very often obliged to sell the same for three farthings, a penny, and five farthings, not being able to chew or digest it, and that both the deponent and his wife lived upon this allowance, and found it very difficult to sustain nature.

The deponent swears, that for several summers, excepting the last, the beer served to the Pensioners has been so bad, that he has very often thrown it away, not being able to drink it.

He swears, that had not a reformation been brought about in these articles by the perseverance of Lieutenant-Governor Baillie, he verily believes he and many more Pensioners would have died for want of proper food.

The deponent swears, that at the burial of deponent's wife, which happened about three months ago, Mr. Chaplain Cooke, who was performing the service, called out to this deponent in the middle of said burial service, and asked deponent who gave him leave to have his said wife buried there? Deponent answered, that the Lieutenant-Governor Baillie had permitted it—Mr. Chaplain replied, that he had a good mind to have the corpse taken up again, as he had not the Governor's leave.

[No. 24.]

Abstract of the Affidavit of Dorothy Perry, Elizabeth Boone, Ann Evett, and Susanna Jenkins, all Nurses in the Infirmary of the Hospital.

SWEAR to a violent outrage—bad washing and deficiencies—and threats if they should appear as evidence.

That about eleven or twelve o'clock at night on the 2d of Feb. 1778, John Huggins, a labourer belonging to Mylne the Clerk of the Works, came with the Boatswain of the guard and three others of the guard, with halberts, candle and lanthorn, and forced open the door of the room where all the deponents were a bed in their cabins, and said they came by order of Captain Maplesden, a Captain of the

Hospital, and insisted upon taking Dorothy Perry out of her bed to go before Captain Maplesden.

These men were desired to depart, as it was an unreasonable hour, and Dorothy Perry begged her duty might be presented to the Captain, and that she would wait on him at eight in the morning. The answer was satisfactory to the Boatswain, but nothing would satisfy Huggins, who insisted Dorothy Perry should be brought directly—whereupon the said Dorothy Perry and Susanna Jenkins got up in order to go, as they both swear they believe Huggins would otherwise have dragged out Dorothy Perry by force.

That as soon as the said Dorothy Perry came near the apartments of the said Captain Maplesden, she ran away to the apartments of the Rev. Mr. Cooke and implored his protection, as he had professed a friendship for her, but he, said Cooke, only encouraged her to go down, and told her the said Captain Maplesden would not venture to look her up again, as he had done the day before; but during this conversation the Boatswain followed them swearing dreadfully, and took them away to said Maplesden, who received them himself at the door, and damning the deponent Susanna Jenkins, locked her up in the hall.

And the deponent Perry for herself says, that Captain Maplesden then took her into an inner room and locked the door upon her, and kept her till near one o'clock in the morning, swearing that she should not be let out till she paid him eight pounds four shillings for his housekeeper, being the expences incurred by said housekeeper in prosecuting said Dorothy Perry, in a suit instituted against the said Dorothy Perry in the spiritual court, wherein the said housekeeper did not succeed.

Whereupon the said Dorothy Perry complains to the Lieutenant-Governor, who refers her to the Council, where Dorothy Perry prefers a petition of complaint against Huggins.

The council happened to consist of Naval Officers, who order Huggins upon the complaint book.

That on the 10th of February, Captain Maplesden sent for deponent Dorothy Perry, and desired her to take the said Huggins off the complaint book, or he would be the destruction of her and her children.

And he the said Captain Maplesden offered the deponent twenty guineas if she would swear that Lieutenant-Governor Baillie had forced her to complain to the Council; and which sum he has many times offered her if she would swear that the said Lieutenant-Governor Baillie persuaded her to commence an action at law against the said Maplesden—which she has since done on the ill usage already mentioned.

The deponent positively swears the Lieutenant-Governor Baillie did not directly or indirectly endeavour to influence her on these occasions.

The deponent swears, that when the Council assembled to examine into said matters, the two Chaplains, the said Captain Maplesden, and Godby the Steward being present at the Council, with two Lieutenants their friends,

She was hurt at their manner, three, four, and five of them speaking at once, and eagerly putting to her the same question, will you or will you not withdraw your complaint? To which she answered she expected justice. But the same question was vociferously urged.

Deponent swears she was frightened at the angry manner of the majority of the Council, and therefore consented, against her inclination, to withdraw the complaint; but the deponent said she hoped to have redress elsewhere. The Rev. Mr. Maule hereupon told her, if she ever mentioned the matter he would give his vote to expel her the Hospital.

Captain Maplesden soon after sends for deponent Perry, and endeavours to persuade her to drop the action at law, to which deponent consented, if said Maplesden

Maplesden would pay the law charges, which he refused, and with many threats and ill language, provoked her to say she had been already forced to withdraw her complaint against Huggins. Upon these words, Captain Maplesden, * six weeks after they had been spoken, grounds a complaint against deponent Perry, and from a motive of revenge, complained to the Council; and the deponent believes, through the influence of himself, the two Chaplains, and the Steward Godby, obtained the deponent to be suspended from all advantages of her office for three months, under the pretence that deponent had reflected on the justice and honour of the Council—and also procured deponent's son, who had been in the Charity-school of said Hospital sixteen months, to be expelled from the same; though the boy had been introduced by the recommendation of said Maplesden.†

The deponents Elizabeth Boone, Ann Evet, and Susanna Jenkins, further say, that on the 16th day of August, 1778, Miss Power, Matron of the Infirmary, came to these deponents in their room, and threatened these deponents, that if they went to the House of the Lieutenant Governor Baillie, or if they saw any other nurse go, and did not inform the Governor, Sir Charles Hardy, thereof, they would be expelled the said Hospital, as well as the said Thomas Baillie.

That these were the said Governor's orders, that there was a watch set over them day and night.

These deponents believe these threats were intended to intimidate the deponents from giving evidence concerning the affairs of the Hospital.

These deponents swear, that the linen of the Infirmary, was of late so badly washed, and comes from the laundry in so stinking and nasty a condition, that it was not fit for any men, either sick or in health, to wear; and that it is in general deficient in quantity from the standard measure.

N. B. Lieutenant Ansell, in his supplemental affidavit filed in the King's Bench, confirms what nurse Perry hath said concerning the conduct of the Council, when she appeared before them upon her complaint against Huggins.

[No. 25.]

Abstract of the Affidavit of Mr. Toye and Mr. Willet, Hofiers, Southwark.

SWEAR they examined about forty pair of the men's hose, and that the said hose are inadequate to the purpose of two pairs, lasting three years.

That they were completely worn out in half the time. That they are what are usually served to work-houses; that they are not so good as what are made for town or country trade, such being made of double yarn, and the Hospital stockings of single yarn; and that they could not have been sound hose when delivered, but on the contrary damaged by moths.

[No. 26.]

Abstract of the Affidavit of William Gregory, the Parson's Clerk.

HE swears, that the reverend Mr. Cooke preaches and points his sermons to particular persons, whom the deponent does not chuse to name.

He swears, that the Pensioners are very indecently buried; and that a considerable incroachment has been lately made upon the burying ground, by planting trees and making walks therein. That the said ground was too small before.

He swears, that the Clergymen, for fear of catching cold, bury the dead standing in a machine, re-

sembling a centry box, which four poor Pensioners are obliged to carry from grave to grave.

The several Counsel for Captain Baillie were furnished with copies at large of these Affidavits, and also of the Defendant's, in support of the printed Case.

*In the King's Bench,
Monday, November 23, 1778.*

The King against Thomas Baillie, Esquire, Lieutenant Governor of the Royal Hospital, at Greenwich.

This cause came before the Court upon the following rule being granted on July 7, 1778, viz.

Tuesday next, after three weeks from the day of the Holy Trinity, in the eighteenth year of King George the Third.

KENT.—Upon reading the several affidavits of James Stuart, Esquire, and two others, the said James Stuart and another, Robert Mylne and another, John Godby and another, John Ibbetson, Esq. and another, and of the reverend John Cooke, clerk, and another, it is ordered that the first day of next term be given to Thomas Baillie, Esquire, to shew cause why an information or informations should not be exhibited against him for certain misdemeanours, in publishing certain scandalous libels, upon notice of this rule to be given to him in the mean time.

On the motion of Mr. Solicitor General,
By the Court.

The joint affidavit of James Stuart, Thomas Hicks, and the reverend John Cooke, three of the Directors, was read, and also the affidavit of Thomas Baillie, Esq. defendant, in answer to theirs; the separate affidavit of James Stuart, as Surveyor, was also read, and the affidavit of Robert Mylne, Clerk of the Works, was begun. But the Court asked, if all the complainants went through what was said with respect to themselves, and being answered, Yes, desired Mr. Bearcroft to proceed in shewing cause, and reserve those affidavits till they were thought necessary to be read.

The Speech of Mr. Bearcroft, leading Counsel for Captain Baillie.

My Lord,

THIS is an application for leave to file one or more informations against Captain Baillie, Lieutenant Governor of Greenwich Hospital, as the author and publisher of a printed libel, upon the gentlemen who are named in the rule; three of them as Directors of the Hospital, and upon Mr. Stuart, in the separate character of Surveyor of the Hospital, Mr. Mylne as Clerk of the Works, Mr. Godby as Steward of the Hospital, and Mr. Ibbetson as Secretary to the Directors, together with the reverend Mr. John Cooke as Chaplain of the Hospital.

My Lord, this rule is for leave to file one or more informations, and, I observed, one of your Lordships asked just now, why it was, that separate affidavits were made by the same persons of matter contained in the same book? I beg leave to answer, that it was for the purpose of adding to the oppression and vexation, which the prosecutors meditated against Captain Baillie, because those purposes would be better answered by six informations than one; but Mr. Solicitor General, with more mercy, though perhaps not a great deal more judgment, than his clients, thought they had a better chance to succeed in one than in six informations. I remember upon his instance, it was, that the motion for the six informations was consolidated into one rule.

My Lord, I have no difficulty to say, I thought the judgment of the prosecutors very extraordinary,

* Complaints should be made in twenty-four hours.

† For this, and such other pretty services, he has since been made Lieutenant Governor.

in making this motion; for by taking this step, it is likely to call down the attention of the public to the transactions in Greenwich Hospital for many years last past: however, upon the present occasion, I find it my duty to contend before your Lordship, this rule ought to be discharged, and discharged with costs, otherwise the Court will not do justice to Captain Baillie, neither will they do that justice upon the prosecutors of this rule, which they deserve, for daring to make this kind of application. My Lord, from the principles of justice, I apprehend, and have no doubt, the Court will soon believe, this printed book, which is now attempted to be prosecuted as a libel, is so far from deserving that name, that it tells a tale to the public, which it is fit the public should be acquainted with; that it is a merit in the party that has stated it; that he has proceeded in all the circumstances, that have been printed in this book, that does him great credit and honour.

My Lord, in order for the Court to understand the matter now before them at all, it will be necessary, in the first place, for the Court to know the constitution of Greenwich Hospital, so far as it stands at present.

The Corporation consists in general of some of the first characters, in point of rank and ability, in the nation, who are all Governors and Commissioners, who have a power, if they please to exercise it, of controuling and directing every thing, in respect to the management of the Hospital: but as it cannot be supposed, all the persons there named, who are in high situations, and employed in matters of great importance to the state, can attend to the business of the Hospital, in fact, it has happened, that but few of the Governors have attended to the affairs of Greenwich Hospital.

They have power to hold General Courts, and General Meetings of Governors and Commissioners, in which they give absolute directions, touching any thing they think proper. But the immediate business of the Hospital has been constantly done by a body of persons, constituted by the Charter, and called the Directors, and by other persons, within the Hospital, called the Governor and Council; the departments of these two separate descriptions of men, the Directors, and the Governor and Council, are very different: it is the business of the Directors to superintend and direct every thing that relates to the revenue, accounts, contracts, and building, and every thing, in short, that relates to money matters, for the real internal and external interest, if I may so call it, of the Hospital.

It is the business of the Governor and Council, who are or ought to be Naval Officers, to protect the numerous objects of the establishment, to direct and controul the internal government of the Hospital, and see there is good behaviour and proper subordination observed therein, and that every thing is conducted agreeable to the rules of the Hospital; these are the two separate departments of the Directors, upon the one hand, and the Governor and Council, upon the other hand.

My Client, Captain Baillie, in 1761, came into the Hospital, being disabled in the service of his country, and was a Captain upon the establishment, as it is called—about five years ago, he succeeded to the second office, that of Lieutenant Governor; I beg pardon, for saying succeeded, I mean to take away, according to the information I have had, the slander which has been industriously spread against Captain Baillie, as if by his proceedings, in the course he had taken in the subject before the Court, he had been suspended for ingratitude, or what is called flying in the face of his patrons and benefactors: it was certainly not so—his character has been inquired into, and he is found a person as incapable as any man living, of being guilty of any baseness.

My Lord, I said he succeeded, I don't mean that it was an absolute right, but it is so much of course, that the next senior Captain, when there becomes a vacancy, should succeed to the office of Lieutenant Governor, provided there is no objection to his character; and from the good behaviour of Captain Baillie, it seems there never was the least objection to his character or conduct.

My Lord, I will first make a few observations, as to the matter whereon these affidavits turn, upon which the application is made to the Court. Still, I fairly confess to your Lordships, in this observation, and in almost every one I shall trouble your Lordship and the Court with, my chief object is to obtain costs for my Client: that this rule will be discharged, I have not the least doubt: for if the Gentlemen were likely to succeed to make it absolute, I don't believe any mortal breathing would ever advise them to go for damages, but the circumstances are very material in respect to costs.

Now they have picked out of this printed Case between fifty and sixty different paragraphs; I will not call them paragraphs, as there is hardly a whole one, they are pieces of paragraphs, bits of sentences, half lines, and independent expressions; perhaps, I am incorrect in calling them so, because all these I have spoken of, are general conclusions from particular facts and circumstances, that are precisely, clearly, and pointedly stated in this book.

Your Lordship will now see why they chose to pick out the particular charges that are in the book; though I always understood the particular story of a man was a much greater libel than a general reflection, but they chose to point out a general conclusion of those facts, to give them an opportunity of doing all they have done; but they conclude, after three or four sentences are picked out—"These depositions say (as if every thing else was true) so far as they tend to criminate us A. B. and C. they are all false." Then the reason is obvious, why they did not pick out the particular charges; it is, because they thought they might shelter themselves under the general expression—*So far as they tend to criminate us, they are all false*; and, I know, they could not state, in this application to the Court, the particular charges, and do what was incumbent upon them to do—to swear they are false—for they know them to be true.

Those are the observations upon the affidavits that have been read, and I call upon my learned friends to know, whether, in all they have read, this is not the course constantly taken, and I submit no other reason can be given for it. My Lord, it is extremely difficult to attempt it, if I was correct enough in my instructions to do it, to attend to all the particular charges, and answer them separately; it would take up an infinite deal of time. It is sufficient, that two of their affidavits have been read; but I will state to your Lordship the nature of certain charges, and the answers to those charges, in which the Court will see sufficient to lead their attention to the other affidavits, when they come to be read, and what are the charges to which the answers are applied.

Captain Baillie first of all says in his affidavit, and I trust nobody will think it improper to state to your Lordship, as he has a proper authority for so doing, That he has served his King and country for near forty years; that he has risen to the rank he held when he was appointed to the Hospital, which was considerable, in consequence of his courage and conduct shewn upon many occasions, which is shortly pointed out, not by any interest or influence, but by good behaviour only, recorded at the Admiralty; * thus he finds himself in the situation of Lieutenant Governor, who is in truth the first resident officer of Greenwich Hospital. It is his business to look daily into the affairs of the Hospital, to see what they are

* See Mr. Cleveland's Letter (late Secretary to the Admiralty) to Captain Baillie, on the 30th March, 1757, in the last page of House of Lords, which happened during the administration of the late Right Honourable Earl Temple, at the Admiralty, to whom Captain Baillie was entirely unknown.

about, and how the seamen are provided for. In this situation he tells your Lordship, for a considerable time past he observed certain abuses, which when they come to be attended to, are of a sort and size which not only justifies what he has done upon this case, but that his duty actually called upon him to do it. He says that very soon after his appointment he saw a great number of the rooms and the cabins, which were appropriated for the accommodation of the seamen, taken away for the purpose of accommodating landmen, as I see the phrase is in the Hospital, and your Lordship may see these complaints frequently reiterated in his printed Case, of its being notorious, that a great number of landmen have of late years been introduced into the several places, as Officers and Servants of Greenwich Hospital, who by the Charter expressly ought not, and in the nature of things, in point of custom and usage, those offices ought to have been filled with seafaring men. There are a great number of facts, of the cabins of the seamen being taken away, to introduce and accommodate landmen into offices and lodgings in the Hospital. This shews Mr. Secretary Ibbetson's separate application might have been with great propriety made general, it falls under the general head of complaint. I think eleven of the cabins were knocked down almost about the poor fellows ears, to make an apartment still more magnificent for Mr. Ibbetson, and double that number for his clerk. I cannot express myself better upon the subject, than one of the poor Pensioners did upon the occasion, as he was pulled out of his bed and hobbling down stairs, the old man shook his head and said, Ah! this is very hard indeed! that so many fighting men should be turned out of their beds for one writing man; as I have already stated to the Court, a vast number of offices, which were lucrative, and in the hands of seamen formerly, have now got into the hands of landmen.

In doing my duty by my client, I cannot help following his instructions. It seems he has found out that by a most wonderful operation of fortuitous events, a particular sort of men which you find in all these places, are freeholders or burgesses of Huntingdon. So far it is necessary to take notice; for if not, the whole of the complaint, at least most of it is attributed to such kind of proceeding, which accounts for most of the subjects I have spoke of.

Court. What says the Charter about it?

Mr. Murphy. It excludes persons that are freeholders or burgesses of all counties, as well as Huntingdon, if not seafaring men; the words are, "No Officer shall be employed in the Hospital but seafaring men, or such who have lost their limbs, or been otherwise disabled in the sea-service."

Court. I doubt whether they will find a writing man taken notice of there as excluded?

Mr. Bearcroft. Captain Baillie says he was exceedingly unwilling to take the course he did. He says upon his taking notice of the several abuses committed, he the Lieutenant-Governor and the Council did frequently apply to the Directors in order to remedy such abuses, but their applications were in vain, and cold water was thrown on them. He states to your Lordship that he applied several times in writing to the First Lord of the Admiralty without effect; and upon an interview with his Lordship at the Admiralty, he was told he would not let business go on—but not content with having his application thus rejected by the First Lord of the Admiralty, Captain Baillie swears he left his printed Case and Memorial sealed up with a Letter for Lord Sandwich, requesting that his Lordship would look into the affairs of the Hospital; that on the ninth or tenth day he saw his Lordship, who abruptly told him, in the presence of Mr. Stephens, the Secretary, that he had no commands for him. After such reception, and not before, Captain Baillie seeing, and to his honour feeling, as it became him to do, the

injuries that were daily arising to the objects of his care, thought there was no possible chance of redress, but by applying to the body of the Commissioners and Governors at large, to whom he did apply on the tenth day. And he swears positively, that his printed Case, which these Gentlemen that prosecute the rule find to be a libel upon them, was printed solely for the purpose of laying before each separate Governor and Commissioner of the Hospital, the nature of his complaints, in order to beget an attention in them, and to procure, if possible, by that means an efficient General Court, that might inquire into and reform the abuses. This he positively swears was his sole object in compiling, in printing, and delivering the several copies of those he has delivered; which he swears he delivered only to such Governors, to his own Counsel, and one or two to his own friends, for their advice and assistance when he was threatened to be attached at law. And I trust, your Lordship will find that every separate charge of the facts therein mentioned are true, which alone is an answer to an application for an information; but there is not a colour to consider it as a libel, because it is a representation of complaints fit to be made to those whose duty it is, and who have authority to hear and redress them; therefore it is impossible to consider this as a libel.

In the first place, my Lord, I take it to be the established practice of this Court in all cases, upon a motion for an information for a libel, to grant a rule of the information be true, though in point of law it is nevertheless a libel for being true; yet the Court will not permit them to go on in this extraordinary way for an information, especially if your Lordships find this printed Case was not printed for the purpose of publication to the world, nor for the purpose of exposing particular persons to the public; but for the mere purpose of stating facts in a plain, but in a strong manner; and it was fit in this case he should state them, as he has in a very pungent manner in many parts of it. If that be the complexion of the business, I trust your Lordships will most undoubtedly discharge this rule with costs.

Now, my Lord, I will go through shortly, as well as I can, those parts of their affidavit which state the supposed charges upon them, as far as they condescend to particulars at all, and explain very shortly the answer Captain Baillie gives to their complaint, which answer I may once for all say is chiefly thus: that true it is, I did mean all this you suppose me to mean in general, and more particularly, and it is all true; and Captain Baillie has himself gone through the particulars, and sworn they are absolutely true; and notwithstanding the pains taken at different times to prevent the Officers and Pensioners from making any voluntary affidavits, and every mortal of Greenwich Hospital believe they committed a very great offence against the high powers, and would be punished at proper opportunity if they did; yet it is not to be wondered there were to be found amongst such gallant officers and seamen, a great number of persons who joined with Mr. Baillie in proving the truth of the facts of every charge, which the prosecutors chose to pick out, and put in their affidavits in their own way, and upon which they found their application to the Court.

My Lord, the nature of the first charge your Lordship finds by the affidavits is, "Though there are twenty-four Directors, yet in truth some of them very seldom attend, except for the purpose of presenting or nominating a Charity Boy upon the foundation—that others seldom interfere in the business or stay after the Secretary has taken notice of their being present, and that only to give a sanction to the proceedings of the Court." This is a sort of thing upon the mere stating, every body would hardly believe, but Captain Baillie swears it to be true, and if the books of the Hospital were referred to, it would appear so: and many of the twenty-four Directors hardly

hardly ever attend at all, others attend for the purpose of some little emolument to themselves. Your Lordships seem surprized that these charges should be stated as true, but many of those Gentlemen receive ten shillings for their daily attendance; notwithstanding the Charter allows that ten shillings, it is given under this restriction, *to those who shall think reasonable to demand it*; how shameful it is to demand it! yet the demand is always made.

The Directors who chiefly attend, it is stated, are the very persons concerned in the receipts and expenditure of the Hospital money; that is sworn to be true, and it most undoubtedly is so, that the persons usually attending, are those Gentlemen who are so nearly concerned. The Surveyor of the Hospital and Receiver of the monthly Six-pences from every seaman in the merchant service, and the persons now complaining to this court, are the persons that usually do attend.

Mr. Baillie says, and insists it is true, that he has very often complained of this, but he has not had any redress at the meeting of the Directors, though he is one by virtue of his office; he also pressed them to enquire into the accounts and the vouchers of the Receiver of the Six-pences, but Mr. Hicks himself was always present as a Director, and interfered and prevented any close examination of those accounts.

He says and swears to the fact of the freedom of debate being interrupted, and it is notorious it must be so, and there ought to be a freedom of enquiry into the money expended, and into the state of the accounts; but that has been prevented by these acting Directors, those persons being present who were to allow their own accounts, and their presence must have a considerable weight when such enquiry was to be made; the court must see as I do what must be the consequence. Then it seems Mr. Hicks was never at sea in his life, but is a freeholder of Huntingdonshire.

Court. What is his office?

Mr. Solicitor General. Receiver of the Sixpenny duty paid by the seamen.

Mr. Bearcroft. With respect to the next observation, nobody will dispute that the Agents for Prizes ought not to be Directors. One very great income for the support of Greenwich Hospital is the prize money that is unclaimed after three years, and at this moment I believe (I don't know whether I am perfectly correct in the sum) the prize money unclaimed amounts to 70,000*l.* and upwards.

Now, my Lord, as for the Prize-Agents, it is not their interest to settle accounts with the Hospital, but to keep the prize-money in their hands. It is the business of the Directors to compel those accounts and the payment of the balance, the reason is obvious.

Court. How are the Directors made, named, or appointed?

Mr. Bearcroft. They are named by the Charter.

Court. How are the vacancies filled up?

Mr. Murphy. By the Lords of the Admiralty.

Mr. Bearcroft. My Lord, Mr. Baillie is complained of for having said, in his book, that the independent Directors seldom interfere in the business, though they happen to be present, having found by experience it is totally useless: this the complainants chuse to suppose relates to them. To this Mr. Baillie answers, with great truth, and some humour, that when he speaks of the independent members, he does not mean to speak of the reverend Mr. Cooke, Mr. Stuart, or Mr. Hicks.

Mr. Solicitor General. Mr. Baillie is a Director now.

Mr. Bearcroft. He is nothing now, he is suspended from his office, in consequence of the proceedings, at what was called a Committee of Enquiry. It is wonderful to conceive, how it should get into their affidavit, that Captain Baillie complains, the Commissioners and Governors at large

are never summoned—Is it not true? Your Lordship may know it—though you are a Governor, you never had a summons.

Earl of Mansfield. No, I never had.

Mr. J. Willes. I did not know I was a Governor till now.

Mr. Bearcroft. My Lord, it is fit all the members of a Corporation should be summoned, and I am a little astonished it has not created a new place of summoner, or something of that sort; it might be worth purchasing perhaps, but nothing of that sort is done. It is, however, a subject of complaint that they have never been summoned.

Court. It would be a large summons, I perceive, by the Charter.

Mr. Bearcroft. Amongst the rest of the facts there is this one. I see that there is a charge in the supposed libel of a deficiency in one Ellis, the Steward's accounts, of three thousand five hundred and fifty odd pounds, and likewise a great quantity of stores, to a considerable amount in point of value—this is notoriously true—it is sworn to by Captain Baillie, as appears by his affidavit, and others, that this Steward Ellis was deficient that sum, and he was permitted to lurk about the office a considerable time without prosecution, or any method taken to get the money; at last he absconded, and no enquiry was made farther about the matter. This is one of the charges in the book against the Directors, and this is literally true, though they are pleased to call it a supposed deficiency. My Lord, I forbear, though I see I have notes of many circumstances, not so well worth while to go into, but amongst other things it is fit to attend to this charge, that is, that for the emolument of the persons concerned, the Pensioners have been served with bad meat of all kinds, and of a very inferior quality; in particular, one charge is stated, and that part of it, I am sure, is true; I am persuaded it is in your Lordship's memory, that the contracting butcher, Mellish, I think the name is, who contracted to furnish the best of meat, and to be paid the best price; whereas it was proved he furnished meat of a very inferior kind, such as bull beef, and putrid veal.

Court. Bull-stag-beef is the phrase for it.

Mr. Bearcroft. Your Lordship will find the breach of contract was a long time before it was prosecuted, and at last, the penalties were not insisted upon; and they were, in my apprehension, very improperly compounded; and that same butcher was afterwards contracted with, and still supplies the Hospital, though it was known he dealt with the butchers in the neighbourhood for bad meat of all kinds; what signifies the contract, if he has in many instances incurred penalties, to a very great amount indeed, by having totally disregarded the contract, in supplying bull and bull-stag-beef.

Court. Was he not twice prosecuted?

Mr. Bearcroft. Yes, my Lord, my affidavits prove it, and state that all the particulars are true. Then it states that the apartments of several landmen in offices were enlarged, and a great number of expences incurred to make alterations and additional buildings by no means necessary; whilst the poor Pensioners had besides, bad beef, bad beer, bad washing, bad shoes and stockings; and to shew the proceedings to be gross to a degree of shame, there is a charge of persons conveying large quantities of water thro' pipes into the small beer, and sworn to be true. There are some paintings in the Hospital, that are shewn to strangers and others. It seems they wanted cleaning, and there was one thousand pounds paid by the Directors, which is a very large sum of money, for the purpose of cleaning these pictures; and when the particulars of the real expence are gone into, it turns out that one hundred and fifty pounds or two hundred pounds, was the expence really and truly incurred, and what was necessary, might have been done for less, if they had chose it—these are the sort of complaints that have been enumerated by

Captain

Captain Baillie, which he laid before the first Lord of the Admiralty, having frequently applied to the Directors in vain: however, it did at last produce a Committee of Inquiry, and that Committee acted contrary to the true spirit of such a Committee; Mr. Baillie applied to the Board of Admiralty for a fair and regular inquiry into the truth of those charges, for the purpose of general reformation. But your Lordship will see by the manner of appointing the Committee, and permit me to say, by the conduct of those gentlemen, at their several meetings, it was clearly shewn their object was not for enquiring into facts for the purpose of redressing grievances, but their great object was, if they could, to find some charge, right or wrong, against Mr. Baillie, to turn him out of his office in the Hospital—that was the object of their enquiry. Your Lordship sees Captain Baillie's complaint is against the Directors. Your Lordship will be surprised to learn, that when application was made to Lord Sandwich for an appointment of disinterested persons to make an enquiry, his Lordship very coolly applied to Mr. Baillie, and desired him to name seven Directors; says Mr. Baillie, that is strange indeed, my complaint is against the Directors—it should be Governors and Commissioners, that are not Directors.—Says his Lordship, if you will not name them, I will name them for you, and Lord Sandwich appointed seven persons, all of whom are Directors, and without making any observations, I will repeat to your Lordship who they are, and their situation. The first person is Sir Meyrick Burrell, of whom I shall say nothing, but that he attended only once, and I verily believe he was heartily ashamed of what was going forward, and therefore did not attend any more. The next upon the list is Mr. Peregrine Cust, who attended all the meetings, except the last; and his absence Captain Baillie had reason to regret, for in the course of the sittings of the Committee, when Mr. Baillie complained, and with truth, that his witnesses were not heard, and he not permitted to prove the several charges in his book, he was interrupted, insulted, and abused by several of the parties, particularly by Mr. Mylne; he was called a blackguard and a liar by the reverend Mr. Cooke—Mr. Cust said, Be patient, Captain Baillie, I promise you, before this business closes, it will take a great deal of time, yourself and all your witnesses shall be fairly heard; on this account, his absence, Mr. Baillie had great reason to regret: but towards the close of the business, on the last day, there attended one Captain Barker in his room, and this Captain Barker was extremely angry with Mr. Baillie for taking upon him to doubt, in any instance, of the propriety of the conduct of the Directors; and whenever Mr. Baillie interfered, and desired to be heard to prove his allegations, the general answer of Mr. Barker was this, Why, Sir, what do you mean, by charging such people as the Directors? Their having done a thing, is proof enough they have done right and proper, and there is no ground to impeach the conduct of such gentlemen as they are, and I will not suffer it: and Mr. Barker was as good as his word, for notwithstanding the promise Mr. Cust made, to hear Captain Baillie, he found all of a sudden the business closed, and Mr. Baillie was turned out, and told, the Court would sit but one day more, and that only for the purpose of making a report to the Admiralty, which report Captain Baillie never has seen nor knows, but by the effect of it. It seems he has been suspended for some months from his office, his pay and emoluments stopt *pendente lite*. This circumstance alone, my Lord, would most undoubtedly, if I was not to apply for costs, render me inexcusable.

Court. Have any of you got the report and order for his suspension?

Mr. Hargrave. The copy of the report was delivered by Mr. Baillie, but it was refused.

Mr. Bearcroft. My Lord, it is material to state that this Captain Barker was a Captain of a Collier,

the other persons that attended are, a Mr. Savary, Storekeeper of the Ordnance at Gibraltar; a Mr. Wells, a great Ship-builder, and Contractor for the Admiralty; a Mr. W. James, now Sir Wm. James, a Contractor for Shipping; and a Mr. Charles Reynolds, formerly a Master of a Merchantman. This, my Lord, was the nomination of the Court of Enquiry, and according to what is set forth of their proceedings by the affidavit of Captain Baillie and Mr. Cowley, it was a mockery of every idea of justice; a farce and a burlesque of justice, and really deserves great censure. I cannot help taking notice of Captain Baillie's complaint, for, I think, he has great ground to complain. That upon this occasion, when he was called upon, tho' not permitted to prove the truth of the charges in his book, he was confronted with a Counsellor and Solicitor, whom, he says, came to collect materials, not for the public good; but to give a colour to the complaints of individuals, in order to bring him before the Court of King's Bench; and though Mr. Baillie is a very brave man, and not afraid of a French Captain, your Lordship will find he was exceedingly intimidated, indeed, at the sight of my worthy friend, Mr. Morgan; for he found that Mr. Morgan was not only a Counsellor, but that sort of a Counsellor, called a Special Pleader!—and reported to be a gentleman of great eminence in that profession; and I may venture to say, a great number of persons do entertain strange opinions of Special Pleaders, and take them for very uncommon geniuses. And I dare say, when Captain Baillie found himself opposed by a person so extraordinary, his fears met him; for Mr. Morgan contrived to prevent his going into any one part of his Case—One minute he was told, "Sir, you are not to prove this by such evidence,—then, you shall not prove that—they are my Clients, and shall not be permitted to accuse themselves." At which Baillie was totally astonished, and his proofs put an end to.

This is in general the nature of the proceedings of this Committee of Enquiry—I dare say, I have omitted a great number of things which appeared upon their proceedings. Upon the whole, my Lord, I contend this is not a libel; that Captain Baillie, in printing this Case, has done no more than his duty, and that duty, as I conceive, with decency, and there is not the least foundation for this application.

But, my Lord, in consequence of the rule being granted for Captain Baillie to shew cause, they have made an affidavit, giving their reason why they did not apply sooner to the Court—they say, they thought it was not proper to make the application, because there was a Committee of Enquiry, to call upon Mr. Baillie to prove, if he could, the several charges contained in his book. My Lord, it is singular, that when these gentlemen themselves are speaking of this Court of Enquiry, they will not venture to say a word of its nature or proceedings; they dare not, I will venture to say, not one of them dared; they were very wisely advised to abstain from doing it—they will not dare to swear it was in truth a fair enquiry into the charges, and that Mr. Baillie was called upon and heard to prove his charges.

Upon all the circumstances of this Case, can there be a doubt this rule will be discharged? I am very earnest in hoping it will be discharged with costs—If not, the complainants will have succeeded in the only object of their application. I have no conception, your Lordship will make the rule absolute; for if half a dozen are to join their own purses, and the purse of the Hospital is to be joined with them, in this case they cannot but prevail in this prosecution, to the entire ruin of Captain Baillie; their affidavits requiring such answers, as made the business spread out to a most enormous size; Captain Baillie is therefore obliged to give answers to particular charges, unnecessary as they are, and it has not cost him less than three or four hundred pounds upon this occasion.

I conceive, therefore, the Court will, for the obvious reasons I have already stated, be of opinion, this rule ought to be discharged, and discharged with costs.

I should have taken up a great deal more time, in proportion to what I have done, if I had stated all the particulars of the affidavits. This is the general outline of the Case; and when our affidavits are read, I dare say your Lordships will find the Case much stronger than I have stated it; and, I trust, your Lordship will, as justice cannot be done without it, discharge the rule with costs.

Court. How is the Court appointed that made this enquiry—I see it is a Court of Governors?

Mr. Murphy. It was appointed by Lord Sandwich, and they are all Directors as well as Governors.

Court. I want to know under what authority it was, the Committee was appointed?

Mr. Bearcroft. It was under the authority of a General Court of Governors, which I should have stated.

Court. It was not any omission,

Mr. Bearcroft. It consisted of about seventeen Governors, out of that number twelve or fourteen of them were Directors, and of those very Directors, the Court of Enquiry was named by Lord Sandwich himself.

The affidavit of Thomas Baillie, Esq. Lieutenant Governor of Greenwich Hospital was read, which being very long, is here omitted.

Court. I see the tendency of your other affidavits; by this they are of the same tendency with what he says.

Mr. Murphy. My Lord, they are all very material.

Lord Mansfield. They can be read, when you have stated them, and shewn the materiality of them: I shall know better how to attend to them, when I see the use you make of them.

Mr. Hargrave. I am not sufficiently acquainted with the nature of the Case, to take it from what has been read, without hearing the affidavits read.

Lord Mansfield. I take it from the defendant's affidavit, that the others join with him in verifying the facts, and Cowley concurring with him, as to the behaviour of the Committee of Enquiry; and when it comes to be more material, to be precise and exact, they will be read; I shall take it, from Mr. Murphy's opening *de bene esse*, we may stay till the last day of the Term, if we are to read them all.

The Speech of Mr. Peckham.

MAY it please your Lordships to favour me in behalf of this much-injured gentleman, Captain Baillie, who, after forty years service with honour to himself, and glory to his country, is dragged into this Court to answer as a criminal, though guilty of no other crime than—that which, in the opinion of the Directors of Greenwich Hospital, is of the most enormous magnitude—the crime of an honest and conscientious discharge of his duty.

Had Captain Baillie slept in his office; had he been inattentive to the duties of his station; nay, had he been guilty of peculation, and joined in the general plunder, he would not have been brought before your Lordships this day as a delinquent; but probably would have been the confidential friend of the first Lord of the Admiralty, and might even have supplanted the reverend Mr. Cooke in his favour.

It was his duty to endeavour, to the utmost of his power, to remedy those abuses which called aloud for redress. It is for the faithful discharge of that duty, he is now harassed with this prosecution, in the vain and idle hope, that in his ruin will be buried that censure and punishment, which they must be con-

scious their conduct and their crimes most justly deserve.

My Lord, the intention of the establishment of Greenwich Hospital was for seamen—that is the institution. The Charter says, “All the officers to be appointed in and for the said Hospital shall be seamen only.”—The words are precise and positive, and can be neither explained away nor contradicted.

By the original instrument by which the Hospital was established, the Commissioners, Governors, and Directors, are all to be men of rank, fortune, and ability; twenty-four Directors are named by the Charter, and appointed by the Admiralty, for the external government, so far as it relates to the expenditure of money, the making of contracts for provisions, and other necessities; and a Council of Naval Officers is or ought to be appointed by the Admiralty, for the internal government of the house, under the name of “Governor and Council.”—My client, Captain Baillie, as Lieutenant Governor, is by the Charter a member of the General Court of Commissioners and Governors, and also a Director; he is likewise a member of the Council; and in the absence of the Governor, is Chairman of the two last Boards, and Commanding Officer in the Hospital.

He was therefore impelled, by every tie of duty, to remedy the abuses he had complained of. Added to this, there are three letters, stated in his printed Case—Orders, I may call them—from two different Governors, expressly charging him to keep a watchful eye upon the Pen-and-Ink Men, as the Governors thought proper to call them.

Captain Baillie perceiving, in every department of the Hospital, most shameful plunder and speculation—finding landmen introduced, in express violation of the Charter—the provisions intolerable—the men's cloaths scantily provided, and upwards of Thirty Thousand Pounds expended in eight years in useless alterations, thought he should not do his duty by himself, by the seamen, and his country, if he did not make those complaints, which as an honest man he was bound to do, and for which every individual owes him thanks and reverence.

The Hospital being in this situation, the Lieutenant Governor applied, according to the rules of the House, first to the Council:—they apply to the Directors, and afterwards to the Governor, who pay no attention to his Complaints:—he then applies to the First Lord of the Admiralty, but without effect:—and at last he presents to him the printed Case, to which he desires an answer; but after many days were elapsed, he is told, “No answer would be given.”

He then applies to the Lords of the Admiralty, through the medium of the Secretary, with a respectful letter, and his printed Case enclosed—That met with as ill fate as his former application; and Captain Baillie then, and not till then, applied to the Commissioners and Governors, as the dernier resort, to remedy those evils.

If the intermediate Officers refused to address the Admiralty, or General Court, Captain Baillie was willing to give as little offence as possible in doing it himself; for he printed the Case of Greenwich Hospital with the utmost caution: and he tells you the reason of printing it was, there were such a number of Commissioners and Governors, to whom it was necessary to communicate the facts he had stated, that it would have been impossible to have done it in manuscript; therefore, as the easiest and best method, he had it printed—but, solely with a view that the Governors should read and digest it, in order that the truth of the several facts therein stated might be investigated.

Soon after this publication, as it has been called, had been thus delivered, it became necessary something should be done; and therefore a mock tribunal was instituted, which they thought proper to call a Court of Enquiry—a Court in itself illegal, because improperly constituted: and, therefore, whatever was done in it is nothing to the present purpose; for though

though a General Court was called, it was thought expedient to delegate the enquiry to a Committee of Seven; which Seven are Directors.

If there had been any gross misbehaviour in the Hospital, and no redress could be obtained, the Commissioners and Governors at large ought to have selected a number of Governors of independent fortune and situation, who were not Directors. Men of that description would have probed the business to the bottom: but, instead of those, they were a packed Council for the occasion; and the Court of Enquiry consisted of the very delinquents themselves.

Your Lordships will be astonished to hear that the Committee sat in judgment upon their own crimes, and that those gentlemen were appointed by the first Lord of the Admiralty.—You find, with an adroitness peculiar to himself, he selected a set of men devoted to him; obligated to him for the very bread they eat, and which, in part, arises out of a fund appropriated for the use of Disabled Seamen, and to which the Seamen themselves contribute.

How do they proceed? Captain Baillie's witnesses are refused to be heard—he applies to the books, that he may have evidence from those unerring vouchers—the books are refused to be opened—he was brow-beat by their Counsel; and insulted by their Civil Officers, a set of Landmen, in a manner that a gentleman must blush to hear of; Mylne, the Clerk of the Works, calling him a blackguard, while Cooke, the Chaplain, brands him as a liar.—That a Clergyman should be so lost to all sense of decency, as to forget that decorum which more peculiarly belongs to his situation, makes me blush for the profession of which he is so unworthy a member.—But, that a man of low birth, and no education, should talk a language familiar to himself, I neither reprobate nor am surprised at; yet the Directors that sat in the Court of Enquiry, ought not to have permitted a brave, honest, old Seaman to have been treated in that shameless way, by men who, from profession or situation, were shielded from his resentment.

After the Committee had sat some days, Mr. Cust, their Chairman, who appeared ashamed of their conduct and their cause, withdrew himself from the Committee; and Mr. Barker, a Captain of a Collier, was called to the Chair; a proper instrument for the intended purpose.—That man was mean as well as weak enough to say, that he was employed by Lord Sandwich, and was to be paid for his labour.—The labourer proved himself worthy of his hire; for, in a few minutes, there was an end of the Committee, this *honourable* man asserting, that evidence was immaterial; that it was libellous to doubt the integrity of the Directors; that he, therefore, should close the business, without hearing those witnesses of Captain Baillie, which Mr. Cust had promised should be heard.

Your Lordships will observe, the reason this Court was not sooner applied to, in the language of the Prosecutor's affidavits, was, "We could not apply before,"—because the Court of Enquiry was not finished: yet there is not a man upon that Court of Enquiry who dares to say, the facts charged are disproved, or that any one of the Delinquents was not guilty of the Crimes imputed to him. It would not perhaps be difficult to guess at the real reason; but it is foreign to the present purpose.—Perhaps a greater man than any of these found himself attacked in another place, where, conscious of the truth of Captain Baillie's charges, and of the impossibility of vindicating himself, he thought it would be prudent to avoid the Enquiry, by asserting, that it was to undergo a discussion in Westminster-Hall. That apology might silence the Peers; and he then, to save his credit, might order his minions to prefer this prosecution, not with the hope of success, but to save him from the Enquiry he had so much reason to dread. Soon after this manœuvre had succeeded, and your Lordships had been applied to for informations, Mr. Hicks, the Sixpenny Receiver, who was one of the persons charged

by Captain Baillie, who is one of his prosecutors, and who sat in judgment upon him at a General Court, where Lord Sandwich presided—at that Court, Mr. Hicks proposed, that Captain Baillie should be removed from his employment of Lieutenant-Governor.—The noble Lord forgot, for a moment, the dignity of his station—and, more like a drunken Chairman in a night-cellar than a Peer of Parliament, bawls out—"All you that are of that opinion, hold up your hands."—They all joined in full chorus for suspension; and every dirty hand was immediately exalted; so that, in five minutes, this brave old Officer was tried, condemned, and executed.

My Lords, this sentence is to Captain Baillie a very serious business; for it robs him of six hundred pounds a-year; and if his wife should become a widow, she loses her pension of a hundred *per annum* more: and he now stands before you, after being worn out in long and faithful services—an honest man indeed, but without a shilling in his pocket!

My Lord, it will be necessary to ask your Lordship, whether, taking the whole of this Case together—printed for the express purpose of giving information to those who wanted it, in obedience to the duty he owed himself and the public—can this be called a libel?—Is it a libel, for a man to do his duty? Is it a libel, for a man to complain to those who have alone the power to redress the grievance?

If this is to be called a libel, I doubt not but the time will come, when a Grand Jury will have informations filed against them, as libellers, for the presentments they have been bound in duty to prefer.

I know but of one case in point; which is the case of the convicted highwayman, who threatened to swear the peace against his jury, for having put him in fear of his life. Having thus considered the Case, as taken together, not to be a libel, let us state the particular parts of it, and see whether any thing can be collected that is libellous. I will not go through a tedious detail of what has been already spoken to; but will mention some particulars, if there is light sufficient to let me refer to my brief. With respect to the joint affidavit of the three Directors, the charge is, "The Directors never presume to exercise their own judgment, but give their votes agreeable to the directions they receive"—"Thereby insinuating"—observe the insinuations! that the Directors were guilty of fraud! and did not vote according to their conscience!

Is that insinuation justified by the charge? Does it necessarily follow, that men, who do not exercise their judgment, must act contrary to their conscience, or that they are guilty of fraud, because they obey the directions of another? Are the mandates of Lord Sandwich so wicked, that obedience to them becomes criminal?—These wretched affidavit-men appear to me to be the libellers; not the Defendant, who has written the truth.

There is another charge which they have disingenuously construed, but dare not deny; and have taken only a piece of the paragraph—"That (meaning the government of the Hospital) which has been eventually formed, is rather a burlesque upon authority, as nothing can be more absurd than to appoint persons, with all the grave solemnity of real business, to examine into and controul their own conduct; to check and point out objections to their own accounts,"—meaning thereby (as they swear in their affidavits) that those Directors who have accounts to settle, are guilty of fraud, and negligence—Does that follow?—Certainly not.—But the impropriety of such appointments is glaring; and the first part of the sentence, which they have thought proper to lop off, expresses it—"Thus, instead of a government of that perfect kind, which might naturally be expected from the anxious care which breathes through every line of the original instruments by which it is established, that which has been eventually formed is rather a burlesque upon authority, &c. &c."

Now

Now your Lordship sees how the sentence is mutilated, and what false conclusions they have drawn from those premises.—There are a great variety of similar instances in their affidavits, even to bits of sentences and half-lines. I wish to read, and to observe upon some of them; but it is impossible for me to see by this light, and I cannot recollect them with sufficient accuracy, to state them with necessary precision; therefore I shall content myself with a few observations to your Lordship upon the whole purport of what the Prosecutors say—"So far as the charge tends to criminate me, I deny it."—That is the manner some charges are treated in—that is the form—they swear, this or that is not true; or, it don't tend to criminate me.—With what face then do the gentlemen come here to make the application?

If it does not criminate, why do they make such application?—If it does criminate them, they ought to be indicted for perjury; for all the charges are substantiated beyond a possibility of doubt—not only by the affidavit of Captain Baillie, but the concurring testimony of at least thirty others.

For example—the facts, with respect to the Butcher, cannot be denied.—The charge is, that he who has been convicted, is again employed.—Then say they "This charge, so far as it criminate me, is not true."—The truth of the fact cannot be controverted—Then it does not tend to criminate me—If it does not, for what purpose do they come here?—I take upon me to say, upon my veracity, that every charge is answered in the way I have now mentioned; or else they draw their conclusion, and say—This I deny!—For instance—They state a charge—from that charge, they draw a perverse and false conclusion—and then they say (hoping to impose upon the Court)—"This we deny," referring to their own conclusion, which is the antecedent, that they know to be false, and take no notice of the charge which stands uncontradicted.

I trust these few observations are complete answers to every part of their affidavits—I take upon me to say, there is not a fact in the book, but what is positively proved.—There is not a fact, which they have attempted to deny.—I should therefore insult the Court, if I could suppose the Rule would not be discharged with Costs.

My Lord, I have ever understood, when gentlemen come into this Court upon groundless applications, though much more favourably circumstanced than the present, that this Court will give Costs to the adverse party; for it would be extremely hard indeed for an innocent man to be dragged here to answer, at a great expence, a crime which had no existence but in the malice of his Prosecutors.

Costs have been granted in Informations against Justices of the Peace, in Informations in the nature of a *Quo Warranto*; and though those Informations differ from the present application, yet the amerced the Prosecutor in Costs is founded on the same immutable Law of Justice, that the innocent should not be harassed without recompence, and that the wrong doer should defray the expence he had occasioned.

Who is at the expence of this prosecution?—I see many of the Prosecutors here: will they say it comes out of their own pockets?—I see the Solicitor of Greenwich Hospital here, attending as their Attorney: he likewise is silent.—Then I am justified in saying the Prosecutors are not to pay—let them deny it if they dare!

Is it possible, my Lord, that these Men's expences shall be defrayed out of the Treasury of Greenwich Hospital, appropriated to the most praise-worthy purposes, while this unhappy Gentleman is to be ruined by paying his own Costs, though he prevails against his Prosecutors, who cannot, who dare not, deny the Charges?

There is a technical expression used in the law, "that every man should come into this Court with clean

hands."—Which of the Prosecutors can claim the benefit of the expression?

Is Mr. Hicks, the Sixpenny Receiver, in that predicament? But enough has been already said of him, to convince your Lordship that he does not come with clean hands.

In what light does Mr. Ibberston appear?—A mere Clerk in Office, who lifts his hand against a Lieutenant of the Hospital, and strikes a cripple who was without defence. This is not the only instance of his cruelty; for a poor helpless old Pensioner stands in judgment against him, whom he beat unmercifully while bleeding at his feet!—Are these the clean hands which come for Informations, thus stained with the blood of the old, the impotent, and infirm! But let us look at the Reverend Mr. C—e, that worthy leader of these disgraceful scenes, that negotiator of every thing that is infamous. I am not to be deterred from my duty, but will speak of men as they are; though I should be ashamed to use such language, if I could not justify every word I shall say of that abandoned man.

It is proved, beyond a possibility of doubt, that this man, who is a Director of a great establishment, who ought to have been the first to prosecute the Contracting Butcher, for his numberless frauds on the poor Pensioners, was the man that was shameless enough to apply to different persons, begging them to suppress their evidence against that delinquent.—Can there be a more atrocious act than to suborn witnesses in favour of that Defendant, which, as a Director and a Plaintiff in the Cause, he was bound to bring to justice?

The Reverend Mr. C—e has been guilty of another act, which cries aloud for vengeance.—He told different gentlemen, who were Officers in the Hospital—

"If you are seen with Captain Baillie, Lord Sandwich will stop your preferment for it; and, if he applies to Parliament, will expel him the Hospital;" and, lest his words should not gain credit, he stamped it with the sanction of an oath, saying, "By God it is true!"

This is the man who is called the Confidential Director of Lord Sandwich.—I vow to God I am ashamed to hear it—Sure it must be impossible that a Noble Lord should so far forget the dignity of his station, as to be connected with such a man, or to descend to such unexampled meanness, as to prevent gentlemen from holding communication with Captain Baillie, or threaten him with ruin, for persevering in his duty.

I will not believe it of the Noble Lord; Mr. Cooke must have held this language without authority; and I trust in future he will not enjoy, since he can no longer deserve, the attention of Lord Sandwich as a confidential friend.

Mr. Mylne, the Clerk of the Works, thought proper to call the Lieutenant-Governor a blackguard, and dared to strike one of the King's Lieutenants during the sitting of the Committee.—A man born with a trowel in his hand, a bricklayer, struck a gentleman for giving evidence in the Court of Enquiry!—Yet these are the men that apply to your Lordship, and beg you will not discharge the Rule; but grant an Information against Captain Baillie.

These are the men, my Lord, that have acted, I am not ashamed to say, with equal infamy and meanness. If ever men ought to be amerced in Costs for bringing an ill grounded Prosecution, they are now before the Court.

My Lord, it is so dark, it is impossible for me to recur to my notes, to state many things which ought to be stated; notwithstanding, I hope, from what has been already said by the gentlemen who have spoke, and from the few observations I have been able to make, that your Lordships will feel, that this Rule ought to be discharged with Costs.

[Court adjourned till the next day.]

*The Honourable Mr. Erskine's Speech, November
24th, 1778.*

My Lord,

I AM likewise of counsel for the author of this supposed libel, and had it been merely a question of private wrong, in which the interests of society were no farther concerned than in the protection of the innocent, I should have thought myself well justified after the very able defence made by the learned gentlemen who have spoken before me, in sparing your Lordship, already fatigued with the subject, and leaving my Client as the matter now stands, to the prosecutor's Counsel and the judgment of the Court.

But in a question of this serious and dangerous complexion, where a good citizen is brought before a court of justice for venturing to attack abuses that owe their continuance to the danger of attacking them, when without any motives but benevolence, justice, and public spirit, he ventures to attack them though supported by power, and in that department too where it is his pointed duty to attack them, I cannot relinquish the high privilege of defending such a character; I will not give up even my small share of the honour not only of repelling, but of exposing so odious a prosecution?

No man, my Lord, respects more than I do those restraining rules of conduct which link men together under the authority of laws, and I trust I shall not let fall a single word to weaken the ground I mean to tread, by advancing propositions which shall oppose or even evade the strictest rules laid down by the Court in questions of this nature. And indeed it would be as unnecessary as it would be indecent; for I must call your Lordship's attention to the marked and striking difference between the writing before you, and I may venture to say almost every other that has been the subject of argument on a rule for an Information.

The writings or publications which have been brought before this Court or before Grand Juries as libels, have been public attacks on the characters of private Men by writers stimulated by secret resentment, sometimes perhaps by a mistaken zeal to punish what they have determined on report to be vice, or they have been severe strictures on the characters of men in Office, which (though sometimes perhaps undertaken from good motives) have necessarily and justly been punished; as being written by men taking upon themselves the censorial office without temperance, and without any duty or call upon the Author as an individual to examine into the particular department of which he chuses to become the voluntary Guardian; a guardianship which he generally contents himself with holding in a Newspaper for two Posts, and then with a generosity which shines on all mankind alike, corrects every department of the state, and finds at the end of his lucubrations, to his great inward satisfaction, that he himself is the only honest man in the community.—When mistaken Men suffer from such indiscretions, however we may pity or approve them, it is impossible to argue against the law that censures them by a constitutional mode of trial—because they are open to two objections, *1st*, they are not called upon as individuals to animadvert, And *2dly*, the public to whom they address their animadversions have no Jurisdiction to inquire and to reform, their powers being all delegated to Government.

But I beseech your Lordship to compare these men and their works with my Client, and the publication before the Court.

Who is he?—What is his Duty?—What has he written?—To whom has he written? and what Motive induced him to write?

He is Lieutenant-Governor of the Royal Hospital of Greenwich, a Palace built for the reception of aged and disabled Men who have maintained the empire of England on the seas, and into the offices and

emoluments of which, by the express words of the Charter as well as by the evident spirit of the institution no Landmen are to be admitted; his Duty—in the treble capacity of Lieutenant-Governor, Director, and a general Governor, is in conjunction with others to watch over the internal œconomy of this sacred charity, to see that the setting days of these brave and godlike men are spent in comfort and peace, and that the ample revenues appropriated by this generous nation to their support are not perverted and misapplied.

He has written, my Lord, that this benevolent and political institution has degenerated from the system established by its wise and magnificent founders, that its Governors consist indeed of a great number of illustrious names and reverend characters, but whose different labours and destinations in the most important offices of civil life rendered a deputation indispensibly necessary for the ordinary Government of the Hospital. That the difficulty of convening this splendid corporation had gradually brought the affairs of the Hospital more particularly under the direction of the Admiralty, that a new Charter has been surreptitiously obtained which enlarges and confirms that dependence in repugnance to the original Institution: That the present first Lord of the Admiralty, who for reasons sufficiently obvious does not appear publicly in this prosecution has, to serve the base and worthless purposes of corruption, introduced his prostituted freeholders of Huntingdon into places destined for the honest freeholders of the seas: that these men (among whom are the Prosecutors) are not only Landmen in defiance of the Charter, and wholly dependent on the Admiralty in their views and situations, but to the reproach of all order and government, are suffered to act as Directors and Officers of Greenwich while they themselves hold the very subordinate offices, the controul of which are the objects of that direction; and inferring from thence as a general proposition that men in such situations cannot, as human nature is constituted, act with that freedom and singleness which their duty requires, he justly attributes to these circumstances and to those men the grievances which his gallant brethren actually suffer, and which is the generous subject of his complaint.

He has written this, my Lord, not to the public that has no jurisdiction to reform the abuses he complains of, but to those only whose express duty it is to hear and to correct them, and I trust they will be solemnly heard and corrected—He has not published, but only distributed his book among the Governors to produce inquiry, and not to callumniate.

The motive which induced him to write, and to which I shall by and by claim the indulgent attention of the Court, was to produce reformation; a reformation which it was his most pointed duty to produce, a reformation which he has laboured with the most indefatigable zeal to produce, and against which every other channel was blocked up.

My Lord, I will point to the proof of all this, I will shew your Lordship that it was his duty to investigate; that the abuses he has investigated do really exist and arise from the ascribed causes; that he has presented them to a competent jurisdiction and not to the public; and that he was under the indispensable necessity of taking the step he has done to save Greenwich Hospital from ruin. Your Lordship will observe by this subdivision that I do not wish to form a specious desultory defence: because feeling that every link of such subdivision will in the investigation produce both law and fact in my favour, I have spread the subject open before the eye of the Court and invite the strictest scrutiny.

Your Lordship will likewise observe by this arrangement that I mean to confine myself to the general lines of his defence; the various affidavits have already been so ably and judiciously commented on by my learned leaders, to whom I am sure Captain

Baillie must ever feel himself under the highest obligations, that my duty has become narrowed to the province of throwing his defence within the closest compass, that it may leave a distinct and decided impression. And first, my Lord, as to its being his particular duty to enquire into the different matters which are the subject of his publication, and of the prosecutors complaint. And I believe, my Lords, I need say little to convince your Lordships, who are yourselves Governors of Greenwich Hospital, that the defendant in the double capacity of Lieutenant-Governor and Director, is most indispensably bound to superintend every thing that can effect its prosperity either in internal œconomy, or appropriation of revenue; but I cannot help reading two copies of Letters from the Admiralty in the year 1742; I read them from the publication, because their authenticity is sworn to by the defendant in his affidavit; I read them to shew the sense of that board with regard to the right of enquiry and complaint from all officers in the Hospital, though not in the departments allotted by their commissions.

To Sir John Jennings, Governor of Greenwich Hospital.

S I R, Admiralty-Office, April 19th, 1742.
THE Directors of Greenwich Hospital having acquainted my Lords Commissioners of the Admiralty, upon complaint made to them that the Men have been defrauded of part of their just allowance of broth and pease soup, by the smallness of the pewter dishes, which in their opinion have been artificially beaten flat, and that there are other frauds and abuses attending this affair to the prejudice of the poor men; I am commanded by their Lordships to desire you to call the Officers together in Council, and to let them know, that their Lordships think them very blameable for suffering such abuses to be practised, which could not have been without their extream indolence in not looking into the affairs of the Hospital; that their own establishment in the Hospital is for the care and protection of the poor men, and that it is their duty to look daily into every thing, and to remedy every disorder; and not to discharge themselves by throwing it upon the under Officers and Servants; and that their Lordships, being determined to go to the bottom of this complaint, do charge them to find out and inform them at whose door the fraud ought to be laid, that their Lordships may give such directions herein as they shall judge proper.

I am,

S I R,

Your most obedient servant.

THO. CORBET.

S I R, Admiralty Office, May 7th, 1742.
MY Lords Commissioners of the Admiralty having referred to the Directors of Greenwich Hospital the report made by yourself and Officers of the said Hospital in Council, dated the 23d past, relating to the flatness of the pewter dishes made use of to hold the broth and pease pottage served out to the Pensioners; the said Directors have returned hither a Reply, a Copy of which I am ordered to send you inclosed: they have herein set forth a fact which has a very fraudulent appearance, and it imports little by what means the dishes became shallow; but if it be true what they assert, that the dishes hold but little more than half the quantity they ought to do, the poor men must have been greatly injured; and the allegations in the Officers Report, that the Pensioners have made no complaint, does rather aggravate their conduct in suffering the men's patience to be so long imposed upon.

My Lords Commissioners of the Admiralty do command me to express myself in such a manner as may shew

their wrath and displeasure at such a proceeding. You will please to communicate this to the Officers of the house in Council.

Their Lordships do very well know that the Directors have no power but in the management of the Revenue and Estates of the Hospital, and in carrying on the works of the building, nor did they assume any on this occasion: but their Lordships shall always take well of them any informations that tend to rectify any mistakes or omissions whatsoever concerning the state of the Hospital.

I am,

S I R,

Your obedient servant,

To Sir John Jennings,
Governor of Greenwich Hospital.

THO. CORBET.

From these passages it is plain that the Admiralty then was sensible of the danger of abuses in so extensive an institution, that it encouraged complaints from all quarters, and instantly redressed them, for although Corruption was not then an infant, yet the idea of making a job of Greenwich Hospital never entered her head; and indeed if it had, she could hardly have found at that time of day a man with a heart callous enough to consent to such a scheme, or with forehead enough to carry it into public execution.

Secondly, my Lord, that the abuses he has investigated do in truth exist and arise from the ascribed causes.

And at the word Truth I must pause a little, to consider how far it is a defence on a rule of this kind, and what evidence of the falsehood of the supposed libel the Court expects from Prosecutors before it will allow the information to be filed, even where no Affidavits are produced by the Defendant in his exculpation. That a libel is not the less so for being true, I do not under certain restrictions deny to be law, nor is it necessary for me to deny it, because this is not a complaint in the course of law, but an application to the Court to exert an eccentric, extraordinary, voluntary jurisdiction, beyond the ordinary course of justice; a jurisdiction which I am authorized from the best authority to say this Court will not exercise, unless the Prosecutors come pure, and unpolluted, denying upon oath the truth of every word and sentence which they complain of as injurious, for although in common cases the matter may be not the less libellous, because true, yet the Court will not interfere for guilty or even equivocal characters, but will leave them to the law. If the Court does not see palpable malice and falsehood on the part of the Defendant, and clear innocence on the part of the Prosecutor, it will not stir—it will say this may be a Libel, this may deserve punishment, but go to a Grand Jury, or bring your actions: all men are equally intitled to the protection of the laws, but all men are not equally intitled to an extraordinary interposition and protection beyond the common distributive forms of justice.

This is the true constitutional doctrine of informations, and made a deep impression upon me when delivered by your Lordship in this Court; the information that produced it was of little consequence, but the principle was sacred; it was an information moved for by General Plasto against the Printer of the Westminster Gazette for a Libel published in his paper, charging that gentleman, among other things, with having been tried at the Old Bailey for a felony; the Prosecutor's affidavit denied the charges generally as foul, scandalous, and false, but did not traverse the aspersion I have just mentioned, as a substantive fact, upon which your Lordship told the

counsel * who was too constitutional and too learned to oppose the objection, that the affidavit was defective in that particular, and should be amended before the Court would even grant a rule to shew cause. For that altho' such general denial would be sufficient where the libellous matter consisted of scurrility, insinuation, and general abuse, which is no otherwise traversable than innuendos of the import of the scandal, and denial of the truth of it, yet that when a Libel consisted of direct and positive facts as charges, the Court required substantive traverses of such facts in the affidavit, before it would interpose to take the matter from the cognizance of a Grand Jury. This is the law of informations, and by this touchstone I will try the Prosecutor's Affidavits, to shew that they will fall of themselves, even without that body of evidence with which I can in a moment crush and overwhelm them.

If the Defendant is guilty of any crime at all, it is for writing this Book, and his guilt can only therefore be investigated, as I said before, by considering the scope and design of it, the general truth of it, and the necessity for writing it; and this can no otherwise be done than by taking the whole of it together; for this is a prosecution for the sake of public justice, and not to redress the prosecutors in damages, or to gratify their spleen and resentment, which it is plain from their affidavits they conceive or wish it to be; it is plain the Prosecutors expect that the Court will shut their eyes to the design and general truth of the book, and go intirely upon the detached passages culled out, and set heads and points in their wretched affidavits, without context, or any thing to unriddle or explain the meaning or reason of the charges; for, my Lord, they have through the whole of them omitted to traverse the scandalous facts themselves, and have only laid hold of those animadversions, which the recital of such facts naturally produce in the mind of an honest zealous man, and which besides are in many places only conclusions drawn from facts as general propositions, and not aspersions on them as individuals. And where the facts do come home to them as charges, not one of them is denied by the Prosecutors; I assert, my Lord, that in the Directors whole affidavit, which I have read repeatedly, and with the greatest attention, there is not any one fact mentioned by the Defendant which is substantially traversed; or even when five or six strong and pointed charges are tacked to each other, to get rid of meeting naked truth in the teeth, they are not even contradicted by the lump, but a general innuendo is pinned to them all, or in other words, an averment that the facts mean to criminate them, and that they are not criminal; but the facts themselves remain unattempted and untouched.

Thus, my Lord, after reciting in their affidavit the charge of their shameful prostitution, in renewing the contract with the Huntingdon butchers who had just compounded the penalties of breach of contract, and in that breach of contract, the breach of every principle of humanity, as well as of honesty; in their putting in improper objects of charity, while the families of poor Pensioners were starving in misery, and in screening delinquents from enquiry and punishment in a pointed and particular instance, and therefore traversable as a substantive fact, all which matters are put together, I expected at least a general charge of the falsehood of such aspersions; but to my indignation and astonishment no such thing was to be found, but one general innuendo that they mean, that they are criminal, and that as far as they tend to criminate them they are false. Will this meet the doctrine laid down by your Lordship in the case of General Plasto—Who can tell what they mean by criminality? Perhaps they think neglect of duty not criminal, perhaps they think corrupt servility to a patron not criminal, and that if they do not actively promote abuses, that winking at them is not

criminal. But I appeal to the Court, if the Directors whole affidavit is a not a cautious composition to avoid downright perjury, and a glaring absurdity on the face of it. For since the facts are not traversed, the Court must intend them to exist, and if they do exist they cannot but be criminal. The existence of such abuses in themselves criminate those whose offices are to prevent them from existing; under the shelter of such qualifications of guilt no man in trust could ever be criminated. But at all events, my Lord, since they seem to think that the facts may exist without their criminality, be it so; the defendant then does not wish to criminate them, he wishes that an enquiry may be made that there may be no longer any crimes, and consequently no criminality. But he trusts, and I likewise trust, that while these facts do exist, the Court will at least desire them to clear themselves before the General Council of Governors, to whom the writing is addressed, and not before any packed Committee of Directors appointed by Lord Sandwich, and then come back to the Court without possibility of criminality, and with clean hands for protection,

Such are the merits of the affidavits exhibited by the Directors; and the others are without distinction subject to the same observations. They are made up either of general propositions, converted by ridiculous innuendos into marked and pointed charges, or else of strings of distinct disjointed facts tied together, and explained by one general averment, and after all, the scandal, such as their arbitrary averment makes it, only denied, with the old jesuitical qualification of criminality, the facts themselves remaining untouched.

They are indeed every way worthy of their authors. Of Mr. Godby, the good Steward, who, notwithstanding the remonstrances of the Captain of the week, received for the Pensioners such food as would be rejected by the idle vagrant poor, and endeavoured to tamper with the Cook to conceal it. And of Mr. Ibbetson, who converted their Wards into Apartments for himself, his Clerk, and the Clerks of Clerks, in the endless subordination of idleness, who dares, with a brutal inhumanity, to strike those aged men, who in their youth would have blasted him with a look. As to Mr. Stuart and Mr. Mylne, tho' I think them highly reprehensible for joining in this prosecution, yet they are certainly not on a level with the rest; nor has the Defendant reduced them to it. They have in fact nothing to complain of, and Heaven knows the others have no title to complain. The reverend Mr. Cooke looks round, as if he thought I had forgot him, but he is mistaken, I well remembered him; but his infamy is worn thread bare, Mr. Murphy has already treated him with that ridicule, which his folly, and Mr. Peckham, with that invective, which his wickedness deserves; I shall therefore forbear to taint the ear of the Court further with his Name, a Name which would bring dishonour upon his Country and its Religion, if Human Nature was not happily compelled to bear the greater part of the disgrace, and to share it amongst mankind.

But these observations, my Lord, are solely confined to the Prosecutor's affidavits, and would, I think, be fatal to them, even if they stood uncontroverted. But what will the Court say, when ours are opposed to them, where the truth of every part is sworn to by the Defendant? What will the Court say to the collateral Affidavits in support of them, where every material charge is confirmed? What will your Lordships say to the Affidavit that has been made, that no man dare safely come to support this injured character, that men have been deprived of their places, and exposed to beggary and ruin, merely for giving evidence of some of those abuses which have already by the Defendant's means been proved before your Lordship at Guildhall, and the Defendant

* Mr. Dunning.

himself suspended as a Beacon for Prudence to stand aloof from; that in this unconstitutional mode of trial, where the law will not lend its process to bring in truth by force, he should stand unprotected by the voluntary oaths of the only persons who could witness for him. The character of my Client has indeed, in some measure, broke through all this malice: the love and veneration his honest zeal has justly procured him, has enabled him to produce the proofs which are filed in Court; but many have hung back, and one even withdrew his affidavit, avowedly from dread of persecution.

Now, my Lord, I submit to your Lordship, whether the evidence of malice in the leading powers of the Hospital, which I have pointed to, would not alone be sufficient to take away from their testimony all credibility, even when swearing collaterally to facts, in which they were not all interested; how much more when they come as prosecutors, stimulated by resentment, and with the hope of covering their Patron's misdemeanors and their own, by turning the tables on the Defendant, and prosecuting him criminally to give a sanction for slurring over the truths addressed to the Governors.

Lieutenant Gordon, the first Lieutenant of the Hospital, and the oldest Officer in the Navy, Lieutenant William Lefevre, Lieutenant Charles Lefevre, his Son, Alexander Moore, Lieutenant William Ansell, and Captain Allwright, have all positively sworn that a Faction of Landmen subsists in the Hospital, and that they have every reason to think, and do in their conscience believe, that the Defendant drew upon himself the jealousy, hatred and resentment of the Prosecutors from his activity in preventing and correcting manifold abuses in the Hospital, and particularly in restoring the Wards that had been cruelly taken away from the poor Old Men, and that their bad passions were notorious and visible when the Pensioners surrounded the Defendant's house in multitudes, to testify their gratitude with acclamations, which sailors never bestow but on men who deserve them. The leader of these unfortunate people was turned out of his office, and the affidavit of Charles Smith is filed in Court, which, I thank my God, I have not so little feeling as ever to have been able to read without tears; where he swears, that for this cause alone his place was taken from him; that he received his dismissal when languishing with sickness in the infirmary, the consequence of which was, that his unfortunate Wife, and several of his helpless innocent Children, died in Misery and Want; the Woman actually expiring at the gates of the Hospital. That such Wretches should escape Chains and a Dungeon is a reproach to Humanity and to all order and government; but that they should become Prosecutors, is a degree of effrontery that would not be believed by any man who did not accustom himself to observe the shameless scenes which the monstrous age we live in is every day producing.

I come now, my Lord, to consider to whom he has written. This Book is not published; it was not printed for sale, but for the more commodious distribution among the many persons who are called upon in duty to examine into its contents. If the Defendant had written it to calumniate, he would have thrown it abroad among the multitude. But he swears he wrote it for the attainment of Reformation, and therefore confined its circulation to the proper channel till he saw it was received as a Libel, and then he even discontinued that distribution, and only shewed it to his Counsel to consider of a defence, and no better defence can be made than the facts relating to the confined publication which I have just mentioned.

My Lord, a man cannot be guilty of a Libel who presents grievances before a competent jurisdiction, altho' the facts he presents should be false; he may, indeed be indicted for a Malicious Prosecution, and even there a probable cause would protect him, but he can by no construction be considered as a Libeller. The Case of Lake and King, which has already been

cited from the bar, in 1st Levintz, 240, but which is better reported in 1st Saunders, is much in point; it was an Action for printing a Petition to the Members of a Committee of Parliament, charging the Plaintiff with gross fraud in the Execution of his Office: I am aware that it was an Action on the Case, and not a criminal prosecution; but I am prepared to shew your Lordship that that makes the stronger for us. The truth of the matter tho' part of the Plea was not the point in contest. The Justification was the presenting it to a proper Jurisdiction, and printing it for more commodious distribution. And it was first of all resolved by the Court, that the delivery of the Petition to all the Members of the Committee was justifiable; and that it was no Libel whether the matter contained were true or false, it being an appeal in a course of justice, and because the parties to whom it was addressed had jurisdiction to determine the matter; that the intention of the law in prohibiting libels was to restrain men from making themselves their own judges, instead of referring the matter to those whom the constitution had appointed to determine them; and that to adjudge such reference to be a libel, would discourage men from making their enquiries with that freedom and readiness which the law allows and which the good of society requires. But it was objected he could not justify the printing, for, by that means, it was published to printers and composers; but it was answered and resolved by the whole Court, that the printing, with intent to distribute them among the Members of the Committee, was legal, and that the making many copies by clerks, would have made the matter more public. I said, my Lord, that this being an Action on the Case, and not an Indictment or Information, made the stronger for us; and I said so, because the Action on the Case is to redress the party in damages for the injury he has sustained as an individual, and which he has a right to recover, unless the Defendant can shew that the matter is true, or, as in this case, whether true or false, that it is an appeal to justice. Now, my Lord, it is clear, that if the Defendant's right to appeal to justice could in the case of Lake and King repel the Plaintiff's right to damages, although he was actually damnified by the appeal, how much more must it repel a criminal prosecution, undertaken solely for the sake of public justice, when the law says, it is for the benefit of public justice to make such appeal? And that case went to protect even falsehood, and where the Defendant was not particularly called upon in duty as an individual to animadvert. How much more shall it protect us, who were bound to enquire, who have written nothing but truth, and who have written it to a competent jurisdiction?

I come lastly, my Lord, to the motives which induced him to write.

The Government of Greenwich Hospital is divided into three departments. The Council, the Directors, and the general Governors, a member of every one of which the Defendant is, and therefore his duty is universal. The Council consists of the officers whose duty it is to regulate the internal oeconomy and discipline of the house, the Hospital being as it were a large man of war, and the Council its commanders; and therefore even by the present mutilated Charter these men ought all to be Seamen. Secondly, the Directors, whose duty is merely to concern themselves with the appropriation of the revenue; in contracting for and superintending supplies, and in keeping up the structure of the Hospital. And lastly, the General Court of Governors, consisting of almost every man in the kingdom with a sounding name of office. A mere nullity, on the members of which no blame of neglect can possibly be laid; for the Hospital might as well have been placed under the tuition of the fixed stars as under so many illustrious persons, fixed in different and distant departments. From the Council therefore, my Lord, appeals and complaints formerly lay at the Admiralty, the Directors being quite a separate duty, and, as I have shewn the

the Court, the Admiralty encouraged complaints of abuses and redressed them; but since the administration of the present First Lord, the face of things have changed. I trust it will be observed, that I do not go out of the affidavit to seek to calumniate; my respect for the Court would prevent me from that, though my respect for the said First Lord might not. But the very Girt of my Client's defence depending on this matter, I must take the liberty to point it out to the Court.

The Admiralty having placed several Landmen in the offices that form the Council, a majority is often artificially secured there, and when abuses are too flagrant to be passed over in the face of day, they carry their appeal to the Directors instead of to the Admiralty, where, from the very nature of man, in a much more perfect state than the prosecutor's appear to be in, they are sure to be rejected or slurred over; because these acting Directors themselves are not only under the same influence with the complainants, but the subject of the appeals are most frequently the fruits of their own delinquencies, or at least of their own neglects. By this manœuvre the Admiralty is secured from hearing complaints, and the First Lord, when any comes as formerly from an individual, answers with a perfect composure of muscle peculiar to his Lordship, that it is *coram non judice*: it does not come thro' the Directors. The Defendant positively swears this to be true, and that he has ever, in the course of these meetings of the Council and appeals to the Directors, been not only over-ruled, but insulted as Governor in the execution of his duty; and the truth of the abuses which have been the subject of these appeals, and the insults I have mentioned, are proved by whole volumes of affidavits filed in Court, confirmed by others that men are deterred by persecution from standing forth as witnesses.

The Defendant solemnly swears this to be true. He swears, that his heart was big with the distresses of his brave brethren, and that his conscience called on him to give them vent—That he often complained—that he repeatedly wrote to and waited on Lord Sandwich without any effect, or prospect of effect; and that at last, wearied with fruitless exertions, and disgusted with the insolence of corruption in the Hospital, that hates him for his honesty, he applied to be sent, with his wounds and infirmities, upon actual service again. The answer he received is worthy observation—The First Lord told him, in derision, that it would be the same thing every where else; that he would see the same abuses in a ship; and I do in my conscience believe he spoke truth as far as depended on himself.

What then was the Defendant to do in this treble capacity of Lieutenant-Governor, Director, and one of the General Governors of the Hospital, bound by three obligations of duty and conscience to do justice? My Lord, there was no alternative but to prepare the state of the abuses for the Governors, or to sit silent and let the abuses continue. Had he chosen the last, he might have been caressed by the prosecutors, and still have continued the first inhabitant of a palace with an easy independent fortune. But he preferred the dictates of honour and humanity, and he fulfilled them at the expence of being discarded after forty years gallant service, covered with wounds and verging to old age. But he respected the laws while he fulfilled his duty; his object was reformation not reproach: he preferred a complaint and stimulated a regular enquiry, but suspended the punishment of public shame till the guilt came home by a trial. He did not therefore publish, as their affidavits falsely assert, he only preferred his complaint by distribution of copies to the Governors, which I have shewn the Court by the authority of a solemn legal decision is not a libel.

Such, my Lords, is the Case. The Defendant, not a disappointed envious man, prying into the abuses of office from having none of his own, but himself a man in office: not a troublesome inquisitive character in departments not belonging to him, but, like a good citizen, fulfilling his duty by keeping evils from his

own; doing it pursuant to the rules of law, and, what heightens the character, doing it at the risque of his office, from which the effrontery of power has already suspended him without proof of his guilt; a conduct not only unjust and illiberal, but highly disrespectful to this Court, whose Judges sit in the double capacity of Ministers of the law and Governors of this sacred and abused institution. Indeed, Lord Sandwich has, in my mind, acted such a part

[Here, Lord Mansfield observing the Counsel heated with his subject, and growing personal on the First Lord of the Admiralty, told him, that Lord Sandwich was not before the Court.]

I know, continued the Counsel, that he is not formally before the Court, but I will bring him before the Court: he has placed those men in the front of the battle in hopes to escape under their shelter, but I will not join in battle with them. Their vices, though screwed up to the highest pitch of human depravity, are not of dignity enough to vindicate the combat with me. I will drag him to light, who is the dark mover behind this scene of iniquity. I assert, that the Earl of Sandwich has but one road to escape out of this business without pollution and disgrace, and that is, by publicly disavowing the acts of the prosecutors, and restoring Captain Baillie to his command. If he does this, then his only offence will be no more than the common one of having suffered his own personal interest to prevail over his public duty, in placing his voters in the Hospital. To this, however, he may answer, I acknowledge I have erred in putting in Landmen to lessen the extension of the charity for Seamen, but the best of my predecessors have done the same before me; I wished to reward their septennial fidelity, but not at the expence of the sacred charity of Greenwich: God forbid that I should abet their enormities. But if on the contrary, he continues to protect the prosecutors, in spite of the evidence of their guilt, which has excited the abhorrence of the numerous audience that crowd this Court. If he keeps this injured man suspended, or dares to turn that suspension into a removal, then I shall not scruple to declare him an accomplice in their guilt, a shameless oppressor, a disgrace to his rank, and a traitor to his trust. But as I should be very sorry that the fortune of my brave and honourable friend should depend either upon the exercise of Lord Sandwich's virtues or the influence of his fears, I do most earnestly intreat your Lordship to attend to the malignant object of the prosecution, and to defeat it: I beseech you to consider, that even by discharging this rule with costs, the Defendant is neither protected nor restored. I trust, therefore, that your Lordships will not rest satisfied with fulfilling your judicial duty in discharging this rule; but, as the strongest evidence of foul abuses has, by accident, come collaterally before you, that you will protect him from the prosecution this writing has brought upon him, and not suffer so dreadful an example to go abroad into the world, as that of an upright man ruined merely for doing his duty. My Lord, this matter is of the last importance—I speak not as an advocate alone; I speak as a citizen, as a member of a state, whose very existence depends upon her naval strength. If a misgovernment were to fall upon Chelsea Hospital, to the ruin and discouragement of our army, it would be no doubt to be lamented, but I should not think it fatal; but if our fleets are to be crippled by the baneful influence of elections, we are lost indeed! for if the Seaman who, while he exposes his body to fatigues and dangers, looking forward to Greenwich as an asylum for infirmity and old age, sees the gates of it blocked up by corruption, and hears the riot and mirth of luxurious Landmen drowning the groans and complaints of wounded, helpless men, he will tempt the seas no more. The Admiralty may press his body indeed at the expence of humanity and the constitution, but they cannot press his mind; they cannot press the heroic ardour of a British Sailor; and instead of a fleet to carry terror,

as it once did, all round the globe, the Admiralty may not much longer be able to amuse us with even the peaceable unsubstantial pageant of a review.

Fine and imprisonment!—The man deserves a palace instead of a prison, who prevents the palace, built by the public bounty of his country, from being converted into a dungeon, and who sacrifices all to keep corruption from the vitals of the public security.

And now, my Lord, I have done, but not without thanking your Lordship for the very indulgent attention I have received, tho' in the late stage of this business, and notwithstanding my great inexperience and incapacity. I resign my client into your hands, and I resign him with a well-founded confidence and hope, because that torrent of corruption which has overwhelmed every other part of the constitution, is, by the blessing of Providence, stopped here by the sacred independence of the judges. Sure I am, that your Lordship will determine according to law; and, therefore, if this information is suffered to be filed, I shall bow to the sentence, and shall consider this meritorious publication to be indeed an offence against the laws of this country; but then I shall not scruple to say, that is high time for every honest man to remove himself from a country in which he can no longer do his duty with safety; where cruelty and inhumanity are suffered to impeach virtue, and where vice passes through a Court of Justice protected and unreprieved.

The Speech of Mr. Solicitor General, leading Council for the Prosecutors.

PLEASE your Lordship to favour me on the part of the Prosecutors, who have had no opportunity whatsoever of answering the affidavits, particularly those against whom, if am able to judge of the affidavits in the cursory manner I heard them, the whole attack is levelled. My Lord, the application is made to your Lordship by people in public offices, and have the honour of executing these public trusts. They conceive themselves calumniated by this paper, which I shall presume to call a libel—and a libel it is in every sense of the law. My Lord, the application is against a person, who has taken upon himself to state to your Lordships the several services he has been in, which made no part of the business before the Court, but upon that subject your Lordships have heard much, in this motion that was stated by Mr. Baillie. It is stated, the Directors are to have ten shillings a time for their attendance, but I contend, there is no clause in the Charter, nor any bye laws, which regulate that time; the intimation is, that it is expected they will all attend constantly, notwithstanding which there are several Directors who generally constitute a Board, for which they receive ten shillings as a gratuity. I did not hear that it has been sworn by Captain Baillie, that he, as a Member of this Board, has not as constantly as any one received this ten shillings a day, which he conceives to be totally against the spirit of the Charter; he has not said in his affidavit, or hinted, it is not in the Charter; though he condemns the practice, he does not deny, that he has not most regularly accepted of ten shillings for his attendance.* Mr. Baillie making one of this Board, is of opinion, that on every motion (unless it is to make the same motion he wishes to have adopted, and which does not succeed) those that constituted the Board, were not left to decide upon it, but vote by directions they received. What evidence is there of this, which is charged upon the Directors of the Board? What proof has Captain Baillie given, that there is a foundation for that imputation upon them: and yet they very wisely slipped over where the charge in the first part of the affidavit began, with the particulars respecting one person only; but here is a direct charge upon every Member of this Board, except Mr. Baillie himself,

* Captain Baillie did never receive his ten shillings but for every actual attendance: what he has complained of is, that several of the Directors retire as soon as their names are taken down.

that in giving their judgment upon the deliberations held by that Board, they went by directions they received from others, and every vote they give, is not a vote that in conscience they ought to give, but an implicit obedience to the dictates of somebody else. Can a greater imputation be thrown upon any Board, authorized to act upon their own judgment? and yet this is a direct charge in this book by Mr. Baillie, who is a Director. This will tend to shew, whether this book was meant to redress grievances or not. One great charge too, is, there are landmen in this situation, who are reprobated by the very terms of the Charter. Mr. Murphy, from his knowledge, said he knew of the number of officers of twenty-seven landmen, and only twenty-two sea officers.

With respect to the landmen in the several departments of this Charity, there is and ever must be some, if they have no other persons qualified. There are many offices which must be the particular business of landmen, as their educations enable them to discharge the duties of their functions, which is absolutely necessary. But Mr. Baillie thinks the description is that they should be Seamen, who have served for many years, or have lost their limbs, that they are the proper persons to execute this office—He is so kind as to say the Clerk of the Works may not perhaps be a seafaring man. And also the Surveyor, who is to do their works, and make the estimates of their buildings, to plan them, and to propose their contracts and their alterations, from time to time; these probably may be landmen—and yet these offices are as much within the prohibition as any other. Mr. Mylne is supposed not to be particularly attacked in this book, as Mr. Erskine says, but in general he has misbehaved himself, and therefore he wonders he should be amongst those who have thought fit to complain to this Court. There are officers too that are called landmen, mere Clerks in Office, those whose duty require them to be landmen—he has taken in the Clerks in office, and Mr. Mylne and others, who are to constitute the number stated; though Mr. Mylne may not be a particular person alluded to, yet he may be of the number.

Court. I don't know any affidavit that states it.

Mr. Solicitor General. I have not seen the affidavits; your Lordship knows there was such a noise in Court at the time they were read, it was impossible to distinguish some parts of the affidavit. I believe the meaning of the affidavit comprehends all these men, who from their several functions in the Hospital must be of the same description.

My Lord, the reverend Mr. Cooke is another person, who is the first Chaplain to this Hospital, who has suffered so very much in the business, Mr. Erskine, out of compassion to him, would say nothing more upon the subject; but from the ridicule of one gentleman, and the invective of another, he has already had his share of the abuse. As to the ridicule or invective, if any answer is to be given, it is to be left to Mr. Cooke himself. I can only answer to those particular parts that respect his duty here, and the subject matter the Court is to inquire into. Mr. Cooke is charged in this pamphlet with having purchased a seat at this Board, and with having bargained for this place of Chaplain, under the sanction of the first Lord of the Admiralty. My Lord, these are not places purchased—a Directorship is not a place for purchase—it must be exercised, at least, it ought to be exercised by persons appointed, upon the consideration of the abilities and situation of the person who can or cannot attend the duties of this Hospital, and discharge them. Though I don't know it, at least it has not been stated by the Counsel, and, I presume, there is nothing in the affidavits to prove any such transaction ever happened, as that Mr. Cooke purchased a seat at this Board, or bargained for it with money.

Mr. Bearcroft. My Lord, this charge is not denied by Mr. Cooke in his affidavit.

Mr. Solicitor General. But it is said, he is an unfit person to apply to your Lordship. With respect to Mr. Cooke, there is another objection made to him, which I should have thought did not come within the qualifications necessary, by the terms of the Charter; the objection is, he happens to be a Huntingdonshire man and a landman. And it seems the industry of Mr. Baillie, who says, there are a number of them freeholders or burghesses of Huntingdon, has found out that there are three or four of them officers of the Hospital. I don't know the affidavits go farther—that they are freeholders or burghesses of the County of Huntingdon. Mr. Godby, the Steward, is charged with having connived with a Mr. Mellish, in imposing upon the Hospital in the most cruel manner, respecting the poor Pensioners within it. That the Hospital, in the most honourable way contracted for the best provisions they could be furnished with—their intentions were defeated by the criminal corrupt connivance of Godby with Mellish, that instead of the best ox beef there was bull beef, and ram mutton instead of wether. Then there is a charge against somebody, I don't know against whom it is meant, for compounding the penalties; I presume the Court of Directors, against whom the charge is meant for compounding this offence with Mellish, after his being convicted before your Lordship once in an action; afterwards another action was brought, and he would again have been convicted, but the penalties were again compounded, to the dissatisfaction of Mr. Baillie, and others, who expected he would be severely punished. With respect to that most criminal connivance of Godby, there is not, as I conceive, the least evidence to support it in truth—I speak now from some knowledge I have upon the subject—there was no such imputation of a crime upon him at the trial.*

My Lord, that action against Mellish may be in the memory of your Lordship, which was brought by the order of the Court of Directors, when a verdict was found against him upon the several breaches assigned in that action against the bond, which expressly obliged him to furnish meat, according to the stipulated contract and prices. It appeared, he had mixed it with bull beef, in such a way, that to the eye it would deceive many people and judges, he had contrived it in so fraudulent a manner—but the truth came out; there arose complaints all was not right; upon which they appointed the meat to be inspected, and particularly examined by boiling, to detect this abuse; they did try it, in consequence of which there was a conviction of Mellish; though there was a great many penalties sued for, they did not take any other but what they thought they had evidence of; it stood in your Lordship's paper, and there was some talk of delaying the cause, when it was mentioned that it was made up.

Since that action was brought, there has not been the least complaint, and the last action was for breaches of a contract that had been made before the bringing the first action; since the action, meat has been delivered according to the contract, and there has been no objection.

This man was willing to submit himself to the Directors, and at last it ended, upon the man making a submission, which was a matter as proper for the Directors to animadvert upon, as any men whatsoever: his crime was compounded, upon what terms Mr. Baillie does not state, nor do I know any thing more, than that it was stated in the way I have now stated.

One great charge against the Directors was, this man was permitted to contract with them again. My

Lord, from the time of that action, has there been any breach of contract? Mr. Baillie does not pretend there was any.

Captain Baillie. An hundred times.

Mr. Solicitor General. There is no such thing in the affidavit, that I know of—the moderation of Captain Baillie convinces me of nothing but that the Directors acted upon great deliberation and full examination; but I see there is no objection stated in the book, nor is there any affidavit of the kind.

It is said there was no advertisement to deliver in any proposals, I did not hear it was sworn in the affidavit; but the contrary is true, and that Mellish delivered in proposals more reasonable than any body else.

He now receives a certain sum from the Victualling Office, and they have found his ability is such he can perform the contracts within the time and can serve them in as good a way as any.

It is certain the Hospital brought actions against him, and found him guilty of frauds, but there is no pretence to say it since this new contract. Mr. Baillie does not mention there has been any fraud committed since, and yet this is the charge upon the Directors, that they have since contracted with a man that had been convicted of fraud.

Every body conceives from a charge of this kind, from the manner expressed here—Mellish has a corrupt influence in the court of Directors, and a preference before every body else, in the manner stated to your Lordship it is shewing the Directors had the worst of motives for contracting with a man whom they knew would be guilty of frauds upon the constitution of the Hospital, or else it meant nothing, and Mr. Baillie would not have inserted it without some meaning or other.

Then, my Lord, there is a charge upon one Ellis, that he got into debt with the Hospital to the amount of about three or four thousand pounds of the charity money, and he absconded with part of their money—nothing is more true than that it got into his hands, and he absconded, and they have never got the money.

And what is a more serious truth, they have no chance of getting their money, because Ellis at the time he was found out in this business was not worth a shilling; respecting this your Lordship knows that the Board necessarily advised with people for the direction of a business of this kind of the law; and in truth it appears the moment his detection was laid before a proper officer to prosecute, Ellis disappeared.

And this is charged as a criminal neglect upon the part of the Directors, in suffering Ellis to abscond with so much money in his hands, or which he had embezzled—these are charges that are made in this book against the Directors that generally constitute the Board.

A story was told you of one Huggin, Mr. Mylne's labourer, that made no part of the business, I believe it was not sworn to, I took it from Mr. Murphy's stating some action, which brought about a dispute of a nurse in the Hospital, and she would not submit her case to a decision of the Council, and she was turned out, and they add as a fact a son of hers was turned out too.

Mr. Baillie has not assigned the reason in his affidavit for turning out the son of this woman, if he had I should have had no observation to have made about it, but I have enquired about this business, and I do not see it makes any part of the affidavits. The son was turned out because the mother had not a proper certificate.

The mother had produced a forged certificate to get him in—this was in truth the reason why this boy was turned out of the charity, and would of

* Upon the trial it was observed by the judge, that the imposition could not have happened, but from the ignorance or corruption of the receiving officers.

itself be a sufficient reason to turn the woman out that had got the forged certificate; but this makes no part, that I know of, respecting the question in this case.

As that was mentioned as an act of cruelty in somebody not named, I thought proper to take so much notice of it that it might be laid out of the Case.

My Lord, that there is matter of libel and calumny contained in this book, not one of the Gentlemen have disputed—that a reproach is thrown upon the body of Directors, not one of them have said a word about.

We are told it is not a libel though it were false—though it contained calumny of the deepest dye, it is not a libel—Why? because it is laid before proper persons in the ordinary course of redress, by a person whose duty it was to represent to those that were to hear and redress; that was the position laid down; the Gentlemen might have spared themselves the labour of citing any author whatsoever.

If it was Captain Baillie's duty to represent any abuses or supposed abuses of this charity, and he had made that representation really and with intention to have the same redressed, without any intention to calumniate the character of any Gentleman,

The Gentlemen might have contented themselves with that proposition, and been sure it would not be opposed—Who are the officers to remove them? The appointment is in the Admiralty, the motion is in the Lords of the Admiralty by the Charter.

Did Captain Baillie deliver this to Lord Sandwich and the rest of the Lords of the Admiralty merely with a view to have an enquiry into the abuses he is supposed to have exposed?

Did he deliver it to the Lords of the Admiralty to let them know the Directors voted by some influence or other, he could not tell what?—Could it be the purpose of this book, framed as it is with reflections upon that first Lord of the Admiralty, and every person serving under the first Lord of the Admiralty?

Could it be imagined this was done with a view to draw down an enquiry, and to have redress? Is it possible he should abuse those in the grossest terms in whom the redress lay, at the time he was supplicating for redress? *

Has he confined it to those he supposed had the power of redress, to the Governors of the Hospital? Has he confined it to them? No—He says it is true I have delivered it to them, but I have delivered it to some friends of mine.

Court. Only since the prosecution to advise with his Counsel, or a friend or two for advice upon the prosecution.

Mr. Solicitor General. I thought he confined it to his Counsel.

Court. To his Counsel and a friend or two, and before he let any one person have it he delivered one to the first Lord of the Admiralty.

Mr. Peckham. When he delivered it to me, it was with a strict charge not to let it go out of my hands to any body.

Mr. J. Willes. Cowley's affidavit expresses it.

Mr. Solicitor General. I stand corrected—Then it will be for your Lordship to say whether this could be the motive of Captain Baillie in delivering this book, with the several charges contained in it, which were not the subject matter of redress?

In particular, what complaint is there against Mr. Stuart, who now appears before your Lordship as one arraigned for having voted in the Directorship under the influence and the direction of somebody else; nay in being told his sitting in the Directorship is incompetent to him, and the office he bears, as he was by that means to inspect his own accounts, and

be the judge of the reasonableness of the articles? Is there any foundation for this?

What is the foundation?

Mr. Stuart is the Surveyor of all the works carried on in this Hospital, it is not contended by Mr. Baillie (I don't know whether he makes an express exception of that in particular) he is not fit for this duty, or to judge of the plans and estimates laid before the Hospital.

It is particularly the business of Mr. Stuart, not only to inform himself of the plans or estimates laid before them, but the utility of them, and the expence with which they are to be attended.

Mr. Stuart has a certain annual salary as Surveyor of the works of this Hospital, and whether there are more or less is nothing to Mr. Stuart, but he is charged in his department with giving his opinion upon some articles for the benefit of other people—Is there any foundation whatsoever in this charge against Mr. Stuart, who is in truth an officer at an annual salary? it is totally indifferent to him, as the expence the Hospital is put to, is not determined by him, he is only to see there is nothing improper done or charged.

This is the nature of Mr. Stuart's situation with respect to these charges made upon him by Mr. Baillie.

We are told too we are not within the ordinary rule or course with respect to informations; and the case of General Plaistow has been mentioned, where the Court required a particular denial of one of the charges, in a paper upon that General's conduct.

These persons are charged with having imposed upon the Court in the manner set forth, and that they have in their breast a salvo for the oath they have taken, and that they themselves have put a construction upon the articles and charges—and they swear they are not true according to that construction.

Is it possible to put that construction upon this affidavit; or if an indictment was preferred against them, is it possible for any Counsel to stand up and tell a jury what they have sworn from their own ideas are contrary to the ideas of every man upon the subject.

They conceive the charge to contain that imputation, which in truth the Directors do not deserve, and therefore they swear they are not guilty according to that imputation.

What they have sworn does not apply to them any otherwise; there is not one of them, nor any counsel of the bar, would stand up to state such a fact before a jury, and call it perjury—it is impossible. I have stated to your Lordship many general charges I have selected, so far as the general charges affect any one of them—so far they say they are not guilty.

In the first place, it is said they all vote according to direction, they never give a vote but from direction, and they suspend their vote till then—What does that imply? Can it have more than one meaning, which is this? they don't use their own judgment as they are bound to do, it cannot have any other construction.

It is said they have not gone into particulars, but contented themselves in making these denials, with a reservation in their own minds—from which reservation they cannot possibly be guilty of perjury.

I wish they would state to me that alternative in any part which is applicable to the denial, as it would go to a great number more of the general charges to which these Gentlemen have sworn (it is said) to satisfy the Court—I take it in each of them there is a denial sufficient, and no prevarication whatever, your Lordship will consider the denial and the import of this charge.

* The Lords of the Admiralty make but a small part of the Governors and Commissioners of the Hospital. Mr. Solicitor General says gross abuse without saying what that abuse was—only a plain representation of facts.

That these are also public officers executing a public trust—the Court have thought any objections being reported of people in such capacities, and not founded in fact, have been a sufficient ground to grant an information.

As a charge upon a man in a public capacity not doing his duty is a libel; in private there may be libels, as in the case of General Plaistow, it was not only charging him with having been at the Old Bailey singly, as Mr. Erskine has said, but the facts of his being abroad as a gamester, and dealing with false dice, and many other particular charges of that kind in a particular company.

The Court required him to make an affidavit of these articles; that was what the Court required him, to make an affidavit—he complained of this as a libel—the facts were stated with precision and particularity, so he could not be under any difficulty in answering.

That was the case of General Plaistow, but your Lordships have heard a great deal which passed at the Committee of Enquiry, and that it was a joke, and the trial was set on foot for acquitting those charged, and throwing the blame upon Mr. Baillie.

And Mr. Baillie states he went to the Admiralty to have this enquired into, and Lord Sandwich told him to name seven out of the Directors, which consist of twenty-four, some by their offices, as the Governor, Lieutenant-Governor, Auditor, and Treasurer are Directors, and the rest make up twenty-four, that are appointed by the Admiralty.

Have they stated the names of those appointed by the Admiralty? They have stated the Chaplain, Surveyor, and Six-penny Receiver to be three; but have they stated the other seventeen of what description they are? how likely to be influenced to prostitute their characters for the acquittal of men guilty of offences of this kind? the motions being in the Admiralty, the first Lord of the Admiralty wishes he would appoint seven, as he admits in his book, and that many of them are of irreproachable characters. Says Lord Sandwich, do you name seven out of them, and I will send an authority for them to make the enquiry—he was to name seven of the Directors to enquire into the Directors conduct, and of those several officers that are appointed by the Admiralty, who have a power to remove them.

Mr. Baillie in his book has injured a great many persons of most irreproachable characters, some of them men quite at liberty. Says Lord Sandwich again, Mr. Baillie, name seven men out of the Directors, and I will send a direction to them to enquire into the bottom of it? No, Sir, says he, I will not have any of the Directors—then says the first Lord of the Admiralty to him, if you will not name them, I will—he names Sir Meyrick Burrell, Mr. Cuff, Captain James, Captain Barker, Mr. Wells, Captain Reynolds, and Mr. Savary.

Court. I don't find, Mr. Bearcroft, in the present affidavit, any of those Directors referred to by the printed memorial in the book amongst the seven Directors?

Mr. Bearcroft. My Lord, there are some of them.

Mr. Solicitor General. Not one of them amongst the seven named—and out of the whole number Mr. Baillie might have taken any seven. He might have taken any—name which you will out of the body, which you know to consist of men of the first character and beyond all reproach—name them yourself? I will not name them because they are parties—What could be done? Lord Sandwich named seven of those Directors, not one against whom there was any particular charge, and they were not at all concerned in the transaction whose general business it was to attend these meetings.

In every corporation and assembly they must be selected as these were; every body knows they must do all the business incumbent upon the members to

do—it must fall into the hands of those who attend in general.

This enquiry was appointed, says Mr. Peckham, but it was an illegal court.

Mr. Peckham. I did not call it a court, but men appointed to enquire and report upon their own conduct, not to give judgment and sentence too, they should have done nothing more than report to those who had that power.

Court. I take it to be a Committee appointed by the Governors; at a general court of Governors they were appointed.

Mr. Solicitor General. Yes, the court of Governors consist of a great number of gentlemen; seven of these men are appointed by the Court of Governors, and Mr. Baillie might have had the nomination of them, as I said before, of every one of them—He would not acquiesce; says Lord Sandwich, I will name them—No, says he, the Governors are to name them.

We did not know what was the intention of the Committee to do, because the application to this Court was first made; we did not know at that time the report of this Court of Enquiry.

Court. Not by the report?

Mr. Solicitor General. Yes, by the report so soon as the Enquiry was over, but during the Enquiry, while they were consulting amongst themselves about the report, this application was made to the Court, not waiting till the report was made.

Court. The report was publicly read to Mr. Baillie though he had no copy of it?

Mr. Solicitor General. No, not then; it was in August.

Court. The motion was in Trinity Term?

Mr. Solicitor General. The motion was in Trinity Term for the information, but the business of the Enquiry was not over.

Mr. J. Ashurst. Where was the use of waiting till the end of the Enquiry?

Mr. Bearcroft. My Lord, it is sworn by our affidavits that the business of the meeting of the Committee was to consider of and make the report, and they don't make the application then.

Mr. Solicitor General. Mr. Murphy says, to their knowledge it was in August and not before.

Court. It might be in August, but on what day of the month was it read in the hearing of Captain Baillie?

Mr. Solicitor General. It certainly was not read to him; it was not drawn up; I remember asking the question, what was the result of the enquiry, and they said (they could not tell).

Court. Something runs in my head that it was read to him.

Mr. Bearcroft. It was read to him, my Lord, at the time he was told he was suspended.

Mr. Solicitor General. It was read in the General Court of Governors.

Court. The report is the sixth of August.

Mr. Solicitor General. It was read to Mr. Baillie at the General Court of Governors of the Hospital, who suspended him in the month of August. In truth, I was not certain to the time the report was made. I asked the Attorney when he came into Court the last day; he told me, those who were advised upon this business, thought it not a proper thing to move this Court till after the enquiry was finished, they thought it might be an improper influence.

The gentlemen have over and over again alluded to the great delay in the progress of that Enquiry, not a word of which did I ever hear a hint of, till Mr. Bearcroft stated it.

And, that this gentleman suffered extremely, not only from the indecent manner with which those that constituted that Committee treated him during their proceedings, but by a gentleman who fortunately is here, Mr. Morgan, to answer for himself, and, I trust, will acquit himself of every insinuation upon him before the Court.

There is another part of the case which your Lordship has heard a great deal upon indeed, which was what passed subsequent to this report. Your Lordship has had an account of the manner in which this report was read, in what way it was received, and the consequences that attended Mr. Baillie; that he was dismissed by the holding up of hands, or in some such ridiculous manner, by the meeting of persons whom they did not name—it was a meeting of the Governors of this Hospital.

This part of the case which has happened in August, your Lordships have no opportunity of hearing a syllable about—the business was a subject of complaint, originally founded upon affidavits previous to the transactions.

Your Lordships have heard a great deal of that which was stated upon affidavit. Is there any person applying to this Court, if a party in the transactions alluded to in August, that has a possibility of being heard?

Are your Lordships to take all these suspicions and apprehensions of Mr. Baillie, with respect to the motives for these transactions, as containing imputations upon any one gentleman?

Court. As to that you are heard; but as to the fact, that the Governors have exercised their judgment so far as to have suspended him, is that denied?

Mr. Solicitor General. I only mean *de facto* he is suspended.

Court. Then *de facto* he is suspended; if so, I would adjourn the consideration of this and have it enquired into.

Mr. Solicitor General. He is in fact suspended.

Court. That is all I wanted to know.

Mr. Solicitor General. As to the mere fact of suspension, they have had no opportunity of being heard upon it. If there is any imputation arising upon them for that, they have had no opportunity of answering—to be sure, I don't pretend to say, that is not a material fact to be laid before your Lordship in the examination of the business, whether it is proper for your Lordship to proceed or not, seeing the party has had some punishment for this offence.

I don't quarrel with the fact being stated to the Court, but the manner in which it was stated, and the animadversions made upon the persons that constituted that Court when the suspension took place.

This is a part of the case that cannot be taken into consideration at all more than the mere facts of the case, and that the party has suffered to the amount of 600*l.* a year.

It may be so—that fact, to be sure, is a very material consideration for your Lordship in the discussion of a subject of this kind, when using that discretionary power which is in the Court.

I apprehend this business is within the very rule necessary for informations, as there has been imputations upon a body of men executing this Charter according to the best of their ability and agreeable to their consciences.

They are charged with having acted by the mandates of others, and not only so, but they suspended their vote till they received such directions—and in other instances, the seats were bought at this board, and if so, they are unfit to come there—that they ought to be placed there by persons in whom the trust is invested and not by others; these are the facts charged upon the Directors and no answer has been given to it.

Therefore, under all these circumstances, I trust your Lordship will see it is a case proper for the animadversion of this Court—It is a libel upon persons in public stations; it is insulting them in those stations, and is distinguishable from the common case of a person applying for an information for a libel.

I submit to your Lordship, here is such a denial of the charges in the libel as will satisfy the Court—if your Lordships do not interfere in this case, every person's application hereafter may be over-ruled, though the application be made by a body of this kind.

And they may be told, as these have been, they are influenced by other motives than their own conscience when they give their votes; and, I trust, your Lordship will say, this rule ought to be made absolute against Captain Baillie, for it is a libel upon the characters of men that did not deserve it, with an intent to transmit to posterity this stigma—that the men who were to execute this public trust did not act upon their own judgment, but were made the instruments of revenge of others.

The Speech of Mr. Newnam.

MAY it please your Lordship to favour me upon the same side with Mr. Solicitor General. Having attended as carefully as I could to every thing said by the gentlemen upon the other side, I confess, I was rather inclined to think they were moving for an information from the manner they defended themselves, than shewing cause against this rule.

The gentlemen have all founded themselves upon the affidavit of Mr. Baillie as supposing it substantially true, and upon that they suppose every abuse, which the book says is true, is founded in fact, and that was the defence he meant to make.

It is not expected we should answer the ridicule of the two first gentlemen, the invectives of the third, nor the florid eloquence that fell from Mr. Erskine, but to submit what we have to say in favour of the prosecutors, who are only attentive to their own character, and in their consciences knowing (as they state) they are guiltless of the charges contained in the libel.

That there are charges against them was admitted by some of the Council. Mr. Bearcroft stated some very severe charges, though the other gentlemen seemed to say, there were no charges of a specific fraud against them. I don't know what charge can be more severe or specific against any body of men, namely, that for want of ability or integrity, they are unfit any longer to continue in the exercise of that important office they held—it is calling them in other terms fools or knaves, or both, and they thought it incumbent upon them to proceed against the gentleman that dared to asperse them and to say the charge is groundless.

There are several other specific charges—one, that a great quantity of prize-money Mr. Baillie supposed to be due for prizes taken in the late war.

Your Lordship knows those prizes unclaimed are given by Parliament to Greenwich Hospital. He states, since the Charter that passed preceding the date of this publication, the Directors have been so inattentively negligent to the affairs of the Hospital, that no steps were taken to recover this money; whereas, if any step had been taken, more than forty or fifty thousand pounds might have been recovered.

Mr. Baillie must know steps have been taken, and thirty or forty thousand pounds has been recovered, and every step had been taken to promote a speedy recovery; and, as he states, these prize agents were living at the West Indies, it was necessary to file a bill in the Court of Equity in Jamaica, and upon every interlocutory order, the prize agents applied to the Privy Council. Mr. Baillie knows that they applied to the Privy Council. I have had the honour to attend them upon ten different consultations; I think they dismissed the appeal with costs.

The order of the Privy Council went as far and farther than they had ever done before; particularly, one of the learned judges desired them to go as far as they could, and they gave considerable costs in the business; so they went on in the course of the business as far as the Court of Chancery in Jamaica would permit them to proceed.

Court. I hope they always give interest. I always give it at Guildhall and the Privy Council should—I only give you an instance of a precedent.

Mr. Newnam. I hope they will ultimately give interest in Jamaica.

Court. You observe it was a case where the agents seemed to be feinting, and keeping the money back, after it come into their hands.

Mr. Newnham. Then with respect to the other instances, particularly the butcher, the Directors must have been plaintiffs, though not by name, and it was not to be expected they would betray the cause of the Pensioners—What was the opinion of the Directors? they directed that an opinion should be given immediately, and in decisive terms.

In consequence of that opinion, a method was taken to prosecute Mellish, and he was convicted; and would have been convicted a second time; but the Directors are charged afterwards with contracting with this man.

The Contract was open, in consequence of public advertisements, and Mellish was the lowest bidder, his offer was the lowest terms. Would not Mr. Baillie with greater propriety, and more force, have abused the Directors with want of attention to the interest of the Hospital, if they had not taken the lowest Contract—Is there any thing to say of him after the second action? He is stated to be worth eighty thousand pounds, that is not by defrauding the Hospital.

Court. He meant that.

Mr. Newnham. He offered to do it upon better terms than any body else. Respecting the specific terms of the charges, they are found to be groundless, and they are in fact, and in terms, positively denied. It is said, so far as they tend to criminate the persons making the affidavits, they are false. One person can't swear what relates to another person is false, but so far as relates to himself, each say it is false.

What is the objection to Mr. Stuart? Is he incompetent? Is he unfit for the Office of Surveyor? and his knowledge in the profession so bad and trifling, as not to make him worthy of the appointment? Is there any instance of the sort, or any thing in this affidavit of Mr. Baillie fixing any particular charge upon Mr. Stuart?

I think it is the same, only in the publication with respect to Mr. Mylne, it says he is a landman.

That is not imputable to Directors—Is it at all said or proved, within the construction of this Charter, that every person whatsoever, employed in the management of the Hospital, must be a seaman—Should an Architect and a Builder be a Seaman, or any such persons who are paid for their particular labour, is it incumbent upon them to be Seamen? I conceive not; and what is stated of Mr. Mylne being the Clerk of the Works, is applicable to other builders, and they will not say the Clerk of the Works ought to be a Seaman.

Then one of the gentlemen is charged with being the contriver to defraud the Hospital of one thousand pounds for cleaning pictures, as Mr. Bearcroft said of Mr. Stuart.

Would your Lordship imagine this was a painted Hall, containing I don't know how many thousand feet, and could not be repaired in a proper manner, under a thousand pounds or thereabouts?

It was stated to be an immaterial thing to the Hospital, whereas in fact Mr. Baillie is obliged to acknowledge it brings in four or five hundred a year revenue for shewing this to strangers.

It was necessary to preserve it, and it does not appear Mr. Stuart was in any degree guilty of the smallest impropriety, or the friend he recommended, who actually has done it at an inferior price to that which was usual.

With respect to Mr. Cooke, the subject has been wore quite threadbare, he (Mr. Cooke) states the charge against him to be false.

He is stated as having purchased, under the sanction of a particular person, whose name I don't wish to mention, the office he enjoys. Is there any proof of it?—None—and it is denied flatly and positively by Mr. Cooke.

Court. Do you mean that he gave the Chaplain that resigned money for so doing—not that he purchased it, but gave the Sea Chaplain something to go out.

Mr. Newnham. It is stated in the book he purchased the Chaplainship; that he bargained and paid money for it under the sanction of the first Lord of the Admiralty.

Mr. Bearcroft. Is that denied in any of your affidavits?

Mr. Newnham. I don't know. My Lord, it is made matter of complaint. I considered it as a complaint made against the prosecutors, in the manner the gentleman admitted, that a vast number of landmen found their way to the Hospital—By whose means?

Is that imputable to the Directors?

Certainly not.

It is stated however, that this book was not intended as a general publication, but merely as a remonstrance to persons competent to redress grievances, of which it contains a long detail; in consequence of which Mr. Baillie is desirous to have an enquiry into their conduct, and a General Board of the Directors is summoned, and Mr. Baillie attends.

To whom was the application to be made for redress of internal grievances, and the regulation of the House, but the Directors that were competent to interpose?

Mr. Baillie was offered to chuse seven of his own naming—he declines it—he could not decline it upon account of none of them being competent, for he states, that many persons were of irreproachable character and honour amongst them, and there was no person amongst the Committee, against whom there was any particular charge made.

They set seven days, and make a report, which was subsequent, in point of time, to the application to your Lordship for this rule; for the application was made in Trinity Term, the report bears date in August, considerably after the expiration of that term, so that every thing was subsequent to that original application to the Court for an information.

The Prosecutors of this rule have not had the smallest opportunity to answer in any respect the affidavits, and it rests wholly upon the affidavit of Mr. Baillie, and the others, without the smallest opportunity of being heard against them.

I take it from them, that all the specific charges against every one of them are false; and they have as good a right to say they are false as they have to say they are true. The affidavits contradict each other.

I have no doubt volumes of affidavits of other very respectable people might be produced to contradict every one of the charges in the affidavits, and with respect to some of them, they are exceedingly mistaken and misrepresented, which is as much as decency will permit a Counsel to say of those that fall immediately within my knowledge.

But supposing them all true, or false, it matters not—it is said it was only a complaint to persons competent to redress grievances, and meant as a remonstrance or memorial, and in the first place, it was not meant to be public, only to a set of gentlemen competent to redress the grievances.

I don't think it is proper to lessen or diminish the right of application for redress of grievances, to any persons competent to relieve them; but I don't know how any man presenting a petition or memorial to any set of men, has a right to say, You are a pack of fools or knaves. If such a thing is done, it is not within the right of petitioning; that is my idea with respect to this publication—To whom does he deliver it? Not to persons capable of redress—he delivers it to persons who have no authority to remove—he tells you the Directors are knaves. Can the Directors remove themselves, or their fellow Directors? Certainly not: and therefore it was not competent to apply to them for redress, in any respect, of that particular grievance, which, he says, was occasioned by a pack of knaves

knaves or fools, having found their way into an Hospital by means of Parliamentary influence. I have nothing to do with the ground upon which they were appointed to the office they enjoy, I know nothing of it; but sure I am, that some of the persons, I see in the list of the direction, are Directors, that were in before the first Lord of the Admiralty had any office in this country. I believe some have been there for thirty years or more—this seemed to be the great ground upon which the gentlemen have gone: I shall leave Mr. Morgan to defend himself in the way he thinks fit, concerning his conduct at Greenwich Hospital; I have nothing to do with that part of the matter.

Court. That is not kind.

Mr. Newnham. I was not present, I cannot say a syllable upon the ill language they talk of, in respect to Mr. Baillie.

Court. You are concerned to defend an attack made upon special pleading.

Mr. Newnham. I have nothing to do with that in this case; there was some complaints of Mr. Baillie's heat, which has been conspicuous to-day; but we have nothing to do with it; if they have, by warmth or heat, behaved amiss to Mr. Baillie, I am persuaded, the gentlemen are sorry for it—I have no doubt there was a good deal of ill language, but I am persuaded such language could not have fallen without provocation. Upon the part of the present application to the Court, I am to submit to your Lordship the present Prosecutors think themselves aggrieved and ill treated, and upon that ground they apply for an information, denying in a general way every fact that tends to criminate them; or that is made part of the charge.

Mr. Macdonald. I am of Council upon the same side, and I have great acknowledgments to make, and thanks to express, to the gentlemen who have gone before me; for doing, in a great measure, my duty for me; it remains for me to state amongst the rest, how extremely bad Mr. Stuart has been treated; and all the objections in the affidavit of Mr. Baillie, and every other objection that has been made, do not extend to the Case of Mr. Stuart. Two classes of persons, Architects and other Officers, have moved for an information, for being calumniated by this Officer of the House, especially Mr. Stuart, who is more particularly concerned. Mr. Baillie has thought proper, in a separate capacity, to affect him in his business and occupation in life. I shall lay before your Lordship those passages that affect him, and shew that he is calumniated. For Mr. Stuart my more immediate address will be; but I shall say something, with your Lordship's permission, respecting the general point.

It is very well worth observation, and I request your Lordship's attention to the season at which Mr. Baillie chose to publish this account—just at that season when encouragement to Seamen was most necessary, and by means of this book getting into their hands, or the examination of people who could communicate it, your Lordship must see the consequence—Certainly the motive is clear; and the Directors, as individuals, had a very proper motive for bringing this before the public. It certainly tends to discountenance seamen from entering into his Majesty's service, if such a spirit, as this book might occasion, should diffuse itself amongst such a body of men—it was particularly dangerous at that point of time, the beginning of March last: it certainly was not a proper time to make such an application by publishing such a book. I shall not go through every thing that has been suggested upon the other side; but it strikes me, the gentlemen have given the go-bye to the principal question, and directed their attack in a quarter not before the Court—where it is not my business to defend. The argument the gentlemen, on the other side, went upon, was ridicule, which has been used with success, from every hand that it came; and the eloquence that has distinguished Mr.

Erskine gave me great satisfaction? In the course of my life I never felt greater pleasure than in hearing my old school-fellow, and one of the earliest friends of my infancy, deliver himself with such great ability, and I can only say of him *qualis ab incepto*. Mr. Bearcroft told your Lordship it was a state of facts to refresh the memory of the Governors and Directors, and not meant to be published at the Booksellers or Stationers by a public sale. As to public or private is it possible for any body that reads the title page of it, or for any body that reads a single page of it, or looks into any part of it, not to see that the publication was meant for general inspection, and meant at least to be seen by all those whose rank and situation of life make them Governors? and then it can hardly be supposed the contents of it should not be perfectly public—as to publication there is little doubt it is to be considered as such, and that it is a libel; as to the publishing it every where, though perhaps it is not so universally published as if there had been a sale of it; but its having been given to all the Governors, there can be no doubt it would be known to your Lordships, and that all the kingdom must soon know of it. It is said it does not charge the Directors with fraud by no manner of means—What does it do in the case of the Butcher and of Ellis? If your Lordship turns to almost any one page in that book, the very word Fraud occurs in almost every instance, corruption must appear in the facts themselves; that is the principal idea, and that an intire subordination to the direction of others was the case with all but a few of the particular managers of the Hospital, some of whom are contractors, and then that the Directors are from want of ability or integrity, unfit to be Directors of that Hospital, and that many other frauds might be proved; and it is not proved to be simply confined to those persons who are guilty of actual fraud.

But as for Mr. Murphy to relieve Mr. Baillie, whom they had frightened with the terrible name of Morgan the special pleader, so as to have almost thrown him into convulsions. He compares his case to the seven Bishops; that must be flattering indeed to him, to be compared with seven Bishops at once—I should make an apology for mentioning the case of the seven Bishops with the least degree of lenity, it was upon resisting an illegal order which had been made, and it became the catechism of almost every subject in the kingdom; it appears there was certain specific acts required of them which were illegal—Was any specific act required of Mr. Baillie? In the next place what was said to be a libel in them, was couched in terms more decent than any that ever appeared before in the history of England, and that could not have been proved without their confession, which was squeezed out of them by the privy-council, not by any proper process; the names of the Counsel then were Saunders, Pollexfen, Somers, and others. Is this delivered in that cautious and delicate way? Does it contain such form and at the same time such proper language for subjects in the exertion of their duty, with a due regard to the constitution? Is that Mr. Baillie's case? No, on the contrary, every page is full of the harshest terms; it is not merely stating them as matters of flippancy, and a little warmth which an honest intention might naturally produce, but there are innumerable passages express in the strongest terms. Your Lordships have the book and I might put it to the test to see whether the language is not libellous.

I think the construction put upon the affidavits is denied by Mr. Erskine pointedly—I have not any idea but in your Lordships judgment Mr. Stuart falls under a very different description from the rest; in so far as the buildings, decorations, and alterations of buildings have been altered, it was owing to bad design that he says the buildings have been altered, and it must be so when you convert a palace into an Hospital; he says alterations have been made because the number of Pensioners have been enlarged, and he

he denies any unnecessary works being done with a view to enrich himself, and he expressly declares all he has been concerned with has been in his apprehension necessary.

Court. The charge against Mr. Stuart is he wants to have it a palace instead of an Hospital?

Mr. Macdonald. That he wanted to do so for his own profit I think it is.

Court. He has sworn positively he did not mean that, you will find the words don't carry it.

Mr. Macdonald. The words in my apprehension charge Mr. Stuart with acceding to the enlargement of the building to his own profit, and vastly to the injury of the Pensioners of the Hospital—if I understand it, it charges Mr. Stuart—

Court. It charges him with making great rooms instead of lodgings for poor men; other people might be of a different opinion and may think there should be a mixture of both.

Mr. Macdonald. Is this no charge upon Mr. Stuart, that for the purpose of a job he recommends a friend to clean the paintings in the hall?—he says a friend of his will clean it for 1000*l.* is not that meant as an imputation, when it is said it might be done for 250*l.*? but his proposals were sent in two months after Mr. Stuart's proposition was accepted. It is one of the most beautiful things in this kingdom, and as to the enquiry of this recommendation, if it was to be done by the yard it would amount to four or five times that sum; besides it is material into whose hands it goes: it is not so much for the mere labour as the price you pay for a man's art in the business. Is it no imputation upon Mr. Stuart that he goes hand in hand with such persons? My Lord, Mr. Stuart swears he did it not with any view but to preserve that profitable part of the building; if it should be considered as no merit, certainly there is no foundation for any imputation, and in that case, as upon his part against Mr. Baillie, I dare say he would be as well satisfied if it is not, as if the information is filed, if no merit is allowed, provided there was no imputation, I will not detain your Lordship upon a subject of this fort any longer, I will only just beg leave to state to your Lordship the state of the suspension of Mr. Baillie; when so much confusion had been bred in the Hospital by these disputes, and in some measure by the publication of Mr. Baillie, and when the Hospital was in confusion, the Lords of the Admiralty finding the business of the Hospital almost stopped, they thought fit to suspend Mr. Baillie, only leaving him in possession of his apartments: in other cases they would not, when a person is suspended, have permitted the use of their apartments without a very particular application. There he remains still; what will become of Mr. Baillie after this application, remains in the breasts of the Lords of the Admiralty, the Directors have nothing to do with the necessity the Lords of the Admiralty thought themselves under to suspend Mr. Baillie. At Mr. Baillie's request they thought fit to have a Committee to enquire into it, that is appointed by a General Court, the persons named were of respectable characters; upon the enquiry being made, they make their report, which respects themselves and their own servants, the Surveyor, the Six-penny Receiver, the Chaplain,* and the others. How was it possible to do this in any other mode? The Directors are in a manner the masters, for a time, of the servants of the Hospital, their good or ill conduct is to be examined by them, they are the persons to complain of abuses—could it be by persons out of the Hospital a complaint could be made? Certainly not. In the first place they would not understand the business; in the next place it is said it was not proper to complain to these boards, or to bring it before them, for Mr. Baillie says the Directors are accused, and they are not to be made judges. It is true every one of the Directors were accused in a lump, they were accused of surrendering

their powers to a few that do attend, and suffering them to waste the finances of the Hospital in every way they could for their own profit. It was impossible that could be the case; they made a report upon this enquiry, and I think they falsify every part if not the whole of these charges. My Lord, how was it possible a publication of this sort should make its appearance at the Hospital, and not extend itself much farther; then publishing it at such a critical moment, it was rendering it impossible for the servants of the Hospital to carry on their respective business in their departments, when they were charged with supplying the men with bad food, bad raiment, and every thing else wrong, every species of charge that could disgust these men that are intitled to national protection and compassion—these Gentlemen have had strange pictures drawn of them, and some very ably; Mr. Mylne and Mr. Cooke in particular. Mr. Mylne is as ingenious an artist as any can be, and when Mr. Mylne and Mr. Stuart are attacked in such a way as this, charged with such a breach of duty to this Hospital, and those things imputed to them that might diminish them much in the esteem of every body, and more especially the Rev. Mr. Cooke has been treated as a man of his profession ought not to be; finding these men stigmatized in this way, it was impossible for the Directors to do otherways than they did. Your Lordship sees the libel itself is far beyond any comment upon it; if your Lordship should think it of an injurious nature and libellous, your Lordship will make this rule absolute, as the suspension of Mr. Baillie can make no difference as to these Gentlemen, who are accused of doing wrong as members of a public body in their public capacity.

Mr. Dunning made an apology for troubling the Court, as he observed sufficient had been said by the gentlemen before him, to explain the ground upon which they hoped the rule would be made absolute, and he should spare himself the trouble of saying more, as it would ill become him to trespass upon the time of the Court, especially considering the opinion he entertained of the matter and abilities the gentlemen had shewn who went before him; he should therefore leave it to his friend Mr. Morgan, who stood in a particular situation to explain the matter more fully in defence of himself and his clients.

N. B. See Mr. Morgan's evidence in the House of Lords in defence of himself and clients.

As four eminent Counsel of distinguished merit and abilities had followed each other on the part of the Prosecutors, it is thought unnecessary to lengthen these proceedings, already too voluminous, with the speeches of the rest of their Counsel, for however ingenious their arguments might have been, they were evidently unfounded in fact and law, they are therefore omitted for the sake of brevity.

Earl of Mansfield's Speech in giving Judgment.

THERE has great heat appeared upon this motion, and this motion has taken up a great deal of time, unnecessarily, and it is not to be wondered at, for the arguments have gone into a variety of matter, not at all before the Court, and have charged persons who are not here to defend themselves, and not being here, they have no opportunity to reply to them, upon vague assertions, not used upon one side more than another. Mr. Morgan has been even with the charges of that sort without any affidavit at all; but it is charged by affidavits by way of answer, to which there has been no opportunity of making a reply, and it has opened a large field, which we cannot possibly go into.

This is an application for an information for a libel, and it has been truly said, it is an application for an extraordinary interposition of the Court, and

* These servants of the Hospital are also Directors.

that interposition must be guided by all the circumstances of the application, and the answer that is given to it.

It don't follow because the matter is a libel; it don't follow because that libel is published, that therefore this Court should grant an information.

The parties have a right to go to a Grand Jury by way of indictment. They have a right to bring an action; and therefore the Court always weighs the circumstances, and particularly the state of the case laid before them when the application is made.

And it is expected when the application is made, that the true and full state of the case should be then laid before the Court; because if there is that in it kept behind, which, if it had been disclosed, would have prevented the rule from being made at all; all the expence that is occasioned by it, is owing to those who have kept any thing behind.

In this book, as it is called, I have no doubt but there is a great deal of that, which in its own nature, is defamatory and libellous.

It charges these officers with fraud, with abuse of office, with incapacity, with neglecting the interest of the Hospital, and breaking the duty of their trust: I have no doubt but that in its own nature, many of the particular parts pointed out by those who apply, are in their own nature, defamatory and libellous. And with regard to Mr. Stuart and Mylne, whom Captain Baillie vindicates by his affidavit, and says, he never meant to charge personally, with doing any thing wrong; yet most undoubtedly there is an insinuation in it; no man can read it that don't understand it as they do.

If a charge is made, that they that had accounts to pass, were sitting as Directors; it certainly infers they made a bad use of sitting, upon their own accounts.

If a charge is made of the computation being much too large, with respect to a man that was to have the paintings of the Hospital retouched and coloured for the benefit of the society; it carries certainly an inference of something wrong and improper in it.

Thus it stands in general, barely upon the view of the subject matter of this book.

With regard to the publication, it is most certainly true, the distinction taken at the bar is found and well founded. In a proceeding (in a court of justice) of the parties, that are under the controul of the Court, nothing can be a libel; because if it is scandalous or improper, the Court where that matter is uttered or made use of, have it in their power to reprimand, to censure, and to punish.

And I remember very well that case alluded to by Mr. Lee, of Sir — Astley and Mr. Young; that was an affidavit of a matter which was scandalous indeed, but it was a charge made use of seriously, for the opinion of the Court, and read in a discussion here, for a Rule of the Court to be made upon it. And if the Court had had a mind to have taken it up, they might have censured the maker of the affidavit, or attorney, or any one else concerned in it. But it was not the subject matter of an action or prosecution, if it is really so used in the course of a judicial proceeding.

But if the course of proceeding is a colour only, I agree with Mr. Lee, that will only aggravate the offence, by making use of a colour of justice to protect it.

I recollect the case of a man, one Perry, who was concerned in the matter of Dagenham Breach: he printed a brief in the country, where he charged his adversary with perjury in his answer. Lord Macclesfield committed him for it; that is not in a proper course of proceeding, for you make use of all the abuse you can in your brief against your adversary.

I remember a cause, where from the length of the proceedings, it was thought necessary to print it. The case of Penn and Baltimore. It was a volumi-

nous brief; all the Counsel had printed briefs in it. That could not be libellous, if it had been so charged upon the other side; because it was a proceeding, *bonâ fide*, in the way of justice, not a colour to convey scandal. And there are many other cases where the proceedings have been printed.

In the House of Lords they print their cases. If it was matter of scandal, the House of Lords would animadvert upon that; and the counsel concerned in the cause always sign the case, that they may be answerable for what it contained in it. They proceed in the House of Commons with printed cases, delivered to the members; but that is really and seriously with a view to the cause, and it comes under their protection. But if, in the time of the recess of Parliament, while there are no proceedings, and under cover of an application for redress to both Houses of Parliament, scandal and defamation is conveyed, it is against law; and such printing and publishing would not be within the rule.

Now let us see who this application is made by. It is made by the several persons concerned as Directors in transacting the affairs of the Hospital. They state, before they came here, they themselves had taken this pamphlet up, in an application to the Governors of Greenwich Hospital, as a matter upon which the Governors ought to proceed in vindication of their characters; and stating, that they ought to proceed in the examination with regard to the abuses themselves.

In their own nature as Governors (let who would be blameable if there was a foundation for it) they ought to proceed with respect to the calumniator, and they ought to make a proper enquiry, to see whether there was any foundation for it or not. The present Defendant is an object of the jurisdiction of the General Court, for he happens to be Lieutenant-Governor of Greenwich Hospital, and as Lieutenant-Governor of Greenwich Hospital to the extent of all the appointments, and the emoluments, and the place itself he held—he is the subject of the jurisdiction of the Governors.

I see, by the Charter, the management of the whole corporation is in the Governors; but, from the number of Governors, and the persons of whom they were composed, the Charter supposes, the greatest number would not attend; and therefore, the Charter provides a standing Committee, and they are the Directors; and not only that, but it provides for General Courts.

“And we hereby direct, that the members of the Corporation, or so many of them as conveniently can, shall, from time to time, meet together, at some convenient place, and that they, or any seven or more of them shall, and are hereby appointed to be a General Court, whereof our High Admiral for the time being, or any three of the Commissioners for holding the office of Lord High Admiral, our Treasurer, or any three Commissioners of our Treasury, or any three or more Lords of our Privy Council shall be of the *quorum*,” and they are to meet from time to time.

The Lords of the Admiralty have a power of granting places, and displacing, but under the controul of the Governors; and there is this express clause:

“Provided always, all proceedings whatsoever relating to the management of the affairs of the said Hospital be laid before the General Court, to be held as herein before mentioned, and the same are to be at all times subject to their controul, to whom we do by these presents give full power and authority to controul accordingly.”

Now, how did the case stand at the time that this application was made to the Court? The gentlemen complaining, had applied to a General Court of the Governors to take that matter under their cognizance. The General Court of the Governors had appointed a Committee to examine into it. The Committee had gone through and made their report; which report was to be the foundation for the farther acting of the Court of Governors.

The affidavit upon which the rule was made, as I observe, was sworn upon the sixth of July, and, in that affidavit, which was sworn the sixth of July, they take notice, that the Committee had gone through the whole business, and had heard it, and had finished the whole, as upon the Tuesday proceeding. Now, what was the representation, when the rule was obtained? Why, that the Defendant had acknowledged himself to be the publisher. Not a word of the manner of the publication, and yet the criminality, or the innocence, and justification of publishing the libel, depends upon the occasion, the motive, the view, the intent, and the purpose to which that application was made.

Suppose an officer of this Court, reads in a judicial proceeding, a libel—that is no publication in the criminal sense of the words. He carries it to his Counsel in this case; that is no publication in a criminal sense. To apply to any jurisdiction, proper to take the matter into consideration, is no publication, provided, really and *bonâ fide*, he did not concur with publishing it to all the world; and there is not a pretence in all the affidavits (and they have been all looked into) there is not a pretence of one of them ever being bought, or any being exhibited at a stationer's or pamphlet shop. And the Defendant, Baillie, swears positively, they were never by him given but to the Governors, in an application for redress, and that he did not deliver them to the Governors till he had delivered one to the First Lord of the Admiralty, who, to be sure, as First Lord of the Admiralty, is one necessary to be of the *quorum* at every General Court, and he was with him ten days before he ever published it; and if it had been put in a way of redress it would not have been published at all. And he swears afterwards, till he gave it to his Counsel, to have advice upon this prosecution, and to one or two friends privately for advice, he never gave it, or published it, in any manner whatsoever, and to this day he has not published it.

It is said, this is an ambiguous term, his having owned the publication. He did, *sub modo*; but the Court should have been told of this sort of publication to guide our discretion upon the circumstances of the publication, with respect to what we were to do; if he did confess it; it is equivocally laid before us: for if we had been told it was only given to the Governors for redress; that upon the application of those that applied for the rule, the Governors had taken it up, and it was then depending before them, and a report made by the Committee, it would have been worth consideration, whether the Court would have made any rule at all. And this notice in the affidavit, with regard to the Committee, is all artfully put; for it artfully leads one to understand the question is another thing; and they leave the excuse for not coming sooner; but the stronger part of the case is this; they tell you they did not know of the report. It cannot be supposed they did not know of the report.

Mr. Morgan. My Lord, they did not know of the report.

Earl of Mansfield. Sit down—I don't take the information. No man of them but must know the opinion of the board. If what you say is true, many articles are not proved, and others are proved against the affidavits. Could any body not know the general tendency of the report? If they did not know it in the words (besides it bears date the sixth of August) they must know the general tendency, and they must know, from the nature of the report, it was impossible for the Court of Governors, upon that report, not to do, at least, what they have done; they would have been warranted to have done more.

As to the appointing this Committee, I see no imputation whatsoever; none; for Mr. Baillie, in his own affidavit says, that many of the Directors were worthy, honourable, respectable men; and his only objection is, they did not attend. Why? That is the case we all know of many very worthy respectable men

that are Governors of many Hospitals in this city, and trustees in many public charities; from other business they cannot always attend. They don't look upon that as a failure in their duty; they leave it to others, unless they are particularly called upon to act as Directors. The only objection is, they did not attend.

Such a general Charge would not prevent any man that did come and attend upon the investigation to do his duty that day; and there is not one, by the book, upon whom there is the least charge or imputation thrown; not one, as appears by the affidavit of the Defendant, which is very strong, considering the asperity and warmth of those affidavits, in which, they have behaved not very judiciously upon this occasion, for the less warmth that appears upon these occasions the better. But they have thought proper to introduce a great deal of warmth into them.

There is not one upon which there is any objection thrown out except Mr. Barker; not one of the Counsel have thrown out any objection to any of the Committee except Mr. Barker; and, I think, they complain, Sir Meyrick Burrell did not attend but once; and Mr. Cuff was absent but once (that is the last day) but there is no other imputation on their proceedings.

Then such a Committee, sitting seven days, report, they heard all that he could offer; they go through an examination of every officer charged by him, and into every particular; they go through the indecency of his behaviour before them (which was highly improper; he should have complained in a proper way) and, having gone through all that, it was laid before the General Court.

I agree with Mr. Lee, it was impossible the General Court should not animadvert upon it, if that report is true; and if it was true, they could not do otherwise than censure any man that appeared in the light of a groundless calumniator of all those people.

Then how does that agree with this application? You came with this report, which is to be the foundation of a farther proceeding, at the instant you were seeking redress from them.

If you had said, we proceed before the Governors, and mean to have him censured by the Governors, he being the subject of their jurisdiction, the Court would never have granted an information.

A case, not unsimilar, occurs now this moment. Suppose a fellow of a college, in application to a visitor, libels the whole society, and they complain to the visitor of that libel; and the visitor is of opinion, though in the shape of a complaint, it is an infamous, scandalous, groundless calumny, and he expels him for it, and the fellows come to this court for an information, would they grant it? Certainly not.

The expulsion was the proper punishment for members of such societies, as they suffer in the capacity in which they commit the injury.

He has injured, as Lieutenant-Governor, his fellow members of the society; it comes before all the members; they think proper to punish him; that is the proper judicature.

Then it was wrong in them to suppress this ground. It was wrong in them to come till the censure was past. And the moment they had him punished in this way, they should have given notice and dropped the information.

Upon that ground, independent of any other, I am of opinion, this rule should be discharged, and discharged with costs.*

After the several prosecutions were discharged with costs, to the general joy of a crowded Court, Captain Baillie wrote the following Letter to the Board of Admiralty, merely to give their Lordships an opportunity of revising their proceedings against him, not doubting but they would disavow the conduct of his Prosecutors, by restoring him immediately to his employment, instead of which, that letter is taken up by the Board, as his only

* That is, about one half of the expence actually incurred.

defence, and opposed to the report of the Committee, and to the recriminations of those whom he had accused, as appears by Mr. Stephens's Letter of the 26th of December following, without adverting in the least to the numerous affidavits solemnly sworn before the judges, and filed in the Court of King's Bench, as indelible monuments of his justification, where every fact, in the printed Case, is proved upon record, beyond a possibility of doubt. These affidavits were rejected at the General Court when the report of the committee was read, nor was he permitted to produce vive voce evidence in his defence.

[No. 11.]

Captain Baillie's Letter to Mr. Stephens, desiring to be restored.

Royal-Hospital at Greenwich,
November 30, 1778.

My Lords,
AS your Lordships have thought proper to suspend me from my employment of Lieutenant Governor, for more than three months, and as I have been loaded at the same time with a criminal prosecution in the King's Bench, I presume to hope your Lordship's displeasure has ceased, and that you will be of opinion I have suffered greatly on these accounts: I therefore entreat your Lordships to restore me to my station in the Hospital, which I have earned in a course of near forty years, the reward of faithful service, and a broken constitution. I have the honour to be, with great respect,

My Lords,
Your Lordships
Most obedient
And most humble servant,
THOMAS BAILLIE.

To the Right Honourable the
Lords Commissioners of the
Admiralty.

[No. 12.]

From Mr. Stephens, concerning being restored.

S I R, Admiralty-Office, Dec. 3, 1778.
I HAVE received your letter of the 30th past, with one addressed to the Lords Commissioners of the Admiralty, desiring, for the reasons therein given, that you may be restored to your employment of Lieutenant Governor of Greenwich Hospital, and I have laid the same before their Lordships. I am,

S I R,
Your most humble servant,
P. STEPHENS.

Captain Thomas Baillie,
Greenwich-Hospital,

[No. 13.]

Copy of a Letter from Captain Baillie to Mr. Stephens, Secretary of the Admiralty.

Royal Hospital at Greenwich,
December 8, 1778.

S I R,
I WAS in hopes, that the event of the motions against me, in the King's Bench, would have had a tendency to end the unfortunate disputes in which I have been involved, but I am now informed, that new complaints against me have been presented, by the Directors and others in the Hospital, to the Lords of the Admiralty, or that the same now lies ready for a General Court of Commissioners and Governors of Greenwich Hospital.

* This whole sentence is absolutely false, and tends to fix the stain of a libeller on Captain Baillie, as if the rule against him in the King's Bench had been discharged singly, upon the ground of the matter being before another tribunal, whereas the Court declared that the printed Case of the Hospital neither was nor possibly could be a libel, because it was not communicated by publication or distribution to any but Governors, who had jurisdiction in the matter.

If there be any foundation for this, I am to beg, Sir, you will be pleased to lay my humble request before their Lordships, or the General Court, as the Case may be, to the end that I may have authentic copies of the new complaints, and also that their Lordships may be pleased to give directions, that I may have a true copy of the report made at the General Court held at the Admiralty of the 12th of August last, by the late Committee of Enquiry appointed for that purpose. Your laying this letter before the Right Honourable the Lords Commissioners of the Admiralty will much oblige, Sir,

Your most obedient,
humble servant,
THOMAS BAILLIE.

Philip Stephens, Esq. Secretary to the Admiralty.

[No. 14.]

From Mr. Stephens. No new complaints, and refusing a Copy of the Report.

S I R, Admiralty-Office, Dec. 11, 1778.
HAVING communicated to my Lords Commissioners of the Admiralty your letter of the 8th instant, acquainting them that you are informed, the Directors and others of Greenwich Hospital, have presented new complaints against you, and requesting, that if there is any foundation for it, you may be furnished with a copy of the same, as also with a copy of the report made to the General Court, on the 12th of August last. I am commanded by their Lordships to acquaint you, that they have not received any new complaint against you; and that as the report abovementioned was made to the General Court, their Lordships do not think themselves authorised to give directions for your being furnished with a copy of it. I am,

S I R,
Your most humble servant,
P. STEPHENS.

Captain Thomas Baillie, Lieutenant Governor of Greenwich Hospital.

[No. 15.]

Removal of Captain Baillie, in answer to his Letter, desiring to be restored.

S I R, Admiralty-Office, Dec. 26, 1778.
MY Lords Commissioners of the Admiralty, having taken into consideration your Letter of the 1st instant, desiring, for the reasons therein mentioned, to be restored to your station in Greenwich Hospital, as also a letter from the Board of Directors, and a Memorial from several of the principal Officers of the Hospital, reminding their Lordships of the resolutions of the General Court of the 12th of August last, respecting you, and praying for redress. "The Court of King's Bench having discharged the rule made, at their request, for you to shew cause why informations should not be granted against you for a libel, upon the ground that the applications for such informations were improper, as the matter was depending before those who had full and competent authority therein;" and their Lordships having resumed the consideration of the before-mentioned resolutions, and of the report of the Committee therein referred to, I have it in command from them, to acquaint you, that they have thought fit, after mature

deliberation,

deliberation, to remove you from your employments in Greenwich Hospital, and to appoint Captain Jarvis Maplesden to succeed you therein.*

I am, at the same time, to acquaint you, that their Lordships have caused it to be signified to the proper officers, that your salary and table money are to be paid up to the 25th instant. I am,

S I R,

Your very humble servant,

Captain Thomas Baillie.

P. STEPHENS.

[No. 16.]

Captain Baillie's Letter to Mr. Stephens, desiring Costs, other provision, and time to look out for another habitation.

S I R,

Royal Hospital, Jan. 7, 1779.

YESTERDAY I received an order from Sir Charles Hardy, to quit my apartments in Greenwich Hospital immediately, in order to make room for Lieutenant Governor Maplesden. I must beg leave to represent to their Lordships the various persecutions carried on against me; and particularly my being dragged into the Court of King's Bench, on six criminal charges for a libel, which though dismissed in my favour, with costs, against all opposition, yet I am a sufferer, on that account, at least two hundred and fifty pounds: I am therefore to hope their Lordships will be pleased to make some other provision for me, in consideration of forty years faithful service, and a broken constitution: and that in the mean time, their Lordships will be so good as to order my additional costs to be paid, that I may be enabled to comply with the desire of the Governor, to vacate my apartments, for I will frankly confess (as poverty is no crime) that in my present condition, harrassed as I have been, I am really destitute of the means of removing, though my earnest wish is to quit an establishment, where my best endeavours for its service, have always been opposed by persons, who have a very doubtful claim to the bounty of it.

I beg leave to remind their Lordships, that the new additional building has not one Officer lodged in it, and that every man burnt out, has, or may have a bed in other parts of the Hospital, there cannot therefore be such a pressing necessity for my apartments; and, I trust, their Lordships will give me time to look out for some other habitation. I am,

S I R,

Your most obedient

Humble servant,

THOMAS BAILLIE.

To Philip Stephens, Esq.

[No. 17.]

Mr. Stephens refusing costs, and pressing Captain Baillie to quit his apartment.

S I R,

Admiralty-Office, Jan. 25, 1779.

I HAVE received and communicated to my Lords Commissioners of the Admiralty your letter of the 7th instant, representing that you had, the day preceding, received an order from Sir Charles Hardy, to quit your apartments as soon as possible, in order to make room for Lieutenant Governor Maplesden, at the same time hoping their Lordships would order some additional costs which you mentioned to have incurred, in consequence of a late criminal prosecution against you in Westminster Hall for a libel; and trusting that they would give you time to look out for some other habitation; and, in return, I am commanded by their Lordships to acquaint you, that they

do not think themselves authorised to order the costs you mention to be paid out of Naval Money, or to give any directions which may interfere with your successor going into his proper apartment, whenever it may be necessary for him to do so; more especially as his quitting the apartment he now occupies, is become more immediately pressing, in order to carry into execution a new arrangement, resolved upon at a late General Court, to remedy for the present, some of the inconveniences which have arisen by the late fire.

I am,

S I R,

Your very humble servant,

P. STEPHENS.

Captain Thomas Baillie.

[No. 18.]

Royal Hospital, at Greenwich,

January 30th, 1779.

S I R,

I HAVE received your letter of the 25th instant, informing me that my Lords Commissioners of the Admiralty do not think themselves authorised to order payment of the costs I have been put to by a late prosecution against me in the King's Bench, and also that their Lordships are not disposed to give any directions relative to the apartments, which I now occupy in the Hospital; I am now to observe, in answer to your letter, that my request concerning the costs, proceeded from my having had some reason to understand, that the costs of the prosecution were defrayed with Naval Money, and if so, it would, as I conceive, be but equal justice, that the person, who was unjustly prosecuted, should not be put to any expence; as to the affair of my apartment, I am by no means prepared to quit as soon as their Lordships seem to expect, for in fact, after proving, in the Court of King's Bench, that the allegations in the printed Case of Greenwich Hospital were true, I did not conceive that my innocence appearing so manifestly, would be considered as a new motive (after near four months suspension) for discharging me entirely from my employment, which I had fairly earned by my services in his Majesty's Navy, and therefore I am by no means prepared to move my furniture, having no place to deposit them in; and I flatter myself, it will not be expected that I should lay my goods in the open street. If Captain Maplesden, who is pestering me with letters and messages, will not have patience till I can properly provide myself, I suppose he will bring his ejectionment, but you will be pleased to state to their Lordships the difficulties I am under, and I have no doubt but time will be allowed me.

I am also to request, that you will once more represent to their Lordships a grievance, under which I am a great sufferer, and that is the withholding from me a copy of the report, made to the General Court on the 12th day of August last, by the Committee of Enquiry. No man, in this country, ought to be condemned in the dark; if he is pronounced guilty of any charge whatever, justice requires that he should be fully informed of the charge. This, Sir, is not my case—at the General Court, on the 12th of August, I desired a copy of the report, and Lord Sandwich then said, he should consider of it; I have been since told by you, Sir, in your letter of the 11th of December last, that their Lordships do not think themselves authorised to grant me a copy of the report, as it was made to the General Court: but as your subsequent letter of the 26th of December last, expressly says, that their Lordships having resumed the consideration of the said report, thought fit to remove me from my employment in Greenwich Hospital, I beg therefore to submit to their Lordships, that since it appears, that the report among other things was of weight upon that occasion, it is but fair that I should see the contents of that report, and

* This burlesque of justice, this report of the Committee, in which the Board of Admiralty have grounded Captain Baillie's ruin and removal, after forty years faithful service, was signed by two Members only out of seven, as appears by the said Report, examined at the Bar of the House of Lords, in page 91, it may therefore be reasonably supposed, that the other five Members, even of this unprecedented Committee, could not be prevailed upon to sign it.

the names of the persons who signed the same. If the report be true, it will be obvious to their Lordships, that truth ought not to shun the light; and on the other hand, if it be false, it is clear, as I am advised, that I am intitled to a legal remedy.

It is for the latter purpose that I now apply for a copy of the report, together with the other papers mentioned in your letter of the 26th of December, namely, a letter from the Board of Directors, and a Memorial from several of the principal Officers of the Hospital, and also the resolutions of the General Court of the 12th of Aug. last, respecting me; I must likewise beg leave to add, that I shall be obliged to their Lordships for a copy of the original order to the Committee, to investigate the grounds of the several charges contained in my printed Case of Greenwich Hospital, and when their Lordships are informed, that these several papers are necessary for the furtherance of justice, I persuade myself, that my request will not be thought unreasonable.

If I conceived, that their Lordships could be induced to revise their resolution for removing me from my employment in Greenwich Hospital, I could here add, that the ground for discharging the late rule against me, is not fairly stated in your letter; but whatever that ground was, the material question is, Is the report true? In the affidavits filed by me in the King's Bench, of which there are not less than thirty, it stands contradicted upon oath; but those affidavits, it seems by your letter, were not taken into consideration by their Lordships.

I have the honour to be,

SIR,

Your most obedient

And most humble servant,

THOMAS BAILLIE.

P. S. You will be pleased to recollect, that these affidavits were offered for the consideration of their Lordships and General Court, on the 12th of August, in opposition to the report of the Committee, and

that the said affidavits were not permitted to be read. I am, as above,

THOMAS BAILLIE.

To Philip Stephens, Esq. Secretary to the Admiralty.

N. B. No answer was given to this letter.

[No. 19.]

Captain Baillie's Letter, requesting copies of different papers to the Secretary of the Admiralty.

*Royal Hospital, at Greenwich,
February 9, 1779.*

SIR,

I HAD the honour of writing to you on the 30th of January last, requesting that you would represent to their Lordships, how necessary it was, that I should be furnished with a copy of the report of the Committee, with the names of those who signed the same, together with the copy of the several papers mentioned in my letter of the above date. For this request I gave you my reason without disguise, avowing my intention to seek redress in a court of law, for the injuries I have suffered in my character and fortune, in consequence of the said report, the cause of my removing from my office. I presume that it is not intended, by the Lords of the Admiralty, to obstruct the course of justice; their Lordships have founded their proceedings upon this report, which they took into consideration, and I now once more beg to know what it is that their Lordships have considered. I presume, to say it is my right, and I must take the liberty to insist upon knowing, whether their Lordships mean to deny me that right. In all events, I hope, that I shall be intitled to an answer, that I may, with the advice of my Council, judge what course I am to take. I am,

SIR,

Your most obedient,

And most humble servant,

THOMAS BAILLIE.

Philip Stephens, Esq. Secretary to the Admiralty.

N. B. No answer was ever given to this letter.

Correspondent Passages of the Charter and Commission, in which some of the Words and Clauses of each, that are not in the other, are distinguished in Italics.

COMMISSION.

CHARTER.

And we do hereby empower you our said Commissioners, or any seven or more of you, to recommend to our Commissioners for executing the office of High Admiral now, and for the time being, or our High Admiral for the time being, to appoint, from time to time, all officers necessary to be employed in and for the said Hospital.

And we do hereby empower our Commissioners for executing the office of High Admiral, now, and for the time being, to appoint all such officers accordingly, except the Governor and Treasurer of the said Hospital, provided that for the future all such persons, to be so recommended and admitted into the said Hospital, as the officers of the House, or otherwise,† be Seafaring men, or such who have lost their limbs, or been otherwise disabled in the Sea Service.

And We do hereby, for Us, our Heirs and Successors, strictly charge, command, enjoin and require, that none of the Monies, or other things which shall be given, contributed, devised, bequeathed, designed, or appointed as aforesaid, shall be diverted, issued, or applied, or be in any wise applicable to any use or purpose whatsoever, other than the charitable purposes before mentioned, or some of them, or to defray necessary charges relating thereto, &c. &c.

[There is not, in any of the Commissions, any Grant of a Power similar to that expressed in the opposite Passage of the Charter.]

[The opposite recommendation of the Commissioners is totally omitted in the Charter.]

And we do hereby authorise and empower our High Admiral, or our Commissioners for executing the office of High Admiral, now and for the time being, to appoint all Officers, necessary to be employed in and for the said Hospital, except the Governor and Treasurer of the said Hospital.

And to displace, move, or suspend, any such Officer or Officers, for his or their misbehaviour, and to appoint any other Officer or Officers, in the room of him or them so displaced or removed; provided that all Officers to be employed in the said Hospital be Sea-faring men, or such who have lost their limbs, or been otherwise disabled in the Sea-service.

[Omitted in the Charter.]

And also to sell, grant, demise, exchange, alien, or dispose of the same manors, messuages, lands, rents, tenements, liberties, privileges, franchises, hereditaments, and possessions, goods, chattels, contributions, gifts and benefactions, or any of them, &c. &c.

† These important words, which are distinguished in Italic characters, are carefully omitted, and others abridged; “ provided that, for the future, all such persons, so to be recommended and admitted into the said Hospital, as officers of the House, or Otherwise.”— This first otherwise is a truly valuable word.

An Account of the Attendances of the several Officers who composed the Council of the Royal Hospital at Greenwich, from the 1st of January, 1773, to the 31st of August, 1778.

	1773	1774	1775	1776	1777	1778 to 31st Aug.	Total.
Sir Charles Hardy, Governor,	0	1	0	0	0	3	4
Lieutenant Governor Boys, died in March, 1774,	38	0					38
Baillie appointed in March, 1774,		43	51	40	26	20	180
Captain Clements died in August, 1775,	0	0	0				0
Baillie appointed Lieutenant Governor in March, 1774,	53	11					64
Mapleiden,	29	27	29	24	28	22	159
Allwright,	33	39	30	21	28	13	164
Lynn appointed in March, 1774,		15	25	17	14	13	84
Chads appointed in February, 1776,				4	35	13	52
Lieutenant Gordon,	18	19	16	16	13	11	93
Moyle,	21	18	13	13	16	16	97
Stuteville died in July, 1773,	0						0
Grant died in July, 1774,	20	0					20
Besson,	23	25	16	14	17	20	115
Kerr,	21	36	42	33	38	19	189
Lefevre,	19	32	13	13	8	4	89
Neville,	4	10					14
Smith appointed in August, 1773,	4	18	29	15	27	11	104
Ansell appointed in July, 1774,		7	27	25	19	20	98
Reverend Mr. Campbell resigned in March, 1773,	0						0
Mr. Cooke,	26	27	11	7	13	15	99
Mr. Maule appointed in April, 1773,	0	7	5	4	2	10	34
Physician, Doctor Hassack,	4	1	4	1	0	3	13
Secretary, Mr. Ibbetson,	0	1	1	0	1	2	5
Auditor, Mr. Eden,	0	0	0	0	0	0	0
Steward, Mr. Godby,	4	9	1	3	12	17	46

DANIEL BALL, Clerk of the Council. (A Copy.)

Note, By which it appears, that Sir Charles Hardy, the Governor, has attended his duty, in the Council of the House, only four times in six years; Captain Baillie, as Captain and Lieutenant Governor, in the same number of years, 244 times,

It also appears, that the Civil Interest (who hold the balance in their own hands) attend but occasionally, to carry particular points, or to prevent remonstrances from going to the Admiralty, where none have been addressed by the Council for several years, notwithstanding the enormity of the frauds and impositions upon the poor men, viz. the extortion of the barber, robberies and transportation of the butcher's servant, fraud and conviction of the master, in supplying bull beef for ten months, destruction of wards, for the better accommodation of Mr. Secretary Ibbetson and his Clerk, and lastly, four small beer mixed with water.

Navy Office, February 22, 1779.

A LIST of such NAVAL CHAPLAINS as were entitled to and actually did receive the ANNUAL BOUNTY allowed by PARLIAMENT as a REWARD for their SERVICES from the 7th day of JANUARY, 1770, to the last day of December, 1777, distinguishing the Number for each Year,

Chaplains Names.	Time.	Number for each Year.							
		1770,	1771,	1772,	1773,	1774,	1775,	1776,	1777,
James Ozanne,	— 7 January, 1770,	31 Decem. 1777,							
Henry Richards,	— 7 ditto,	31 ditto,							
William Pow,	— 7 ditto,	31 ditto,							
Robert English,	— 7 ditto,	22 May, 1770,							
William Nowdall,	— 7 ditto,	31 Decem. 1777,							
Francis Leeds,	— 7 ditto,	31 ditto,							
Samuel Merryfield,	— 7 ditto,	31 ditto,							
William Arthur Lee,	— 7 ditto,	31 ditto,							
Edward Powell,	— 7 ditto,	20 Nov. 1770,							
Ditto, —	— 13 May, 1771,	31 Decem. 1777,							
James Shields,	— 7 January, 1770,	31 ditto,							
Samuel Dawson,	— 7 ditto,	31 ditto,	22	20	19	18	19	19	17
Arthur Lowther,	— 7 ditto,	31 ditto,							
Michael Phillips,	— 7 ditto,	31 ditto,							
William Paul,	— 7 ditto,	31 ditto,							
William Pagget,	— 7 ditto,	30 April, 1771,							
Ditto, —	— 30 Sept. 1774,	30 Decem. 1777,							
Richard Griffiths,	— 7 January, 1770,	31 ditto,							
Samuel Wickman,	— 7 ditto,	10 Oct. 1776,							
John Frew, —	— 7 ditto,	31 Decem. 1770,							
Henry Walker,	— 7 ditto,	9 Oct. 1776,							
James Haygarth,	— 7 ditto,	31 Decem. 1777,							
Matthew Dear,	— 7 ditto,	23 July, 1772,							
Roger Parry,	— 7 ditto,	31 Decem. 1777,							

CHARLES MIDDLETON, J. WILLIAMS, GEO. MARSH, T. BRETT. (A Copy.)

N. B. There are few or none of these Chaplains, which are not as well or better qualified to perform the duty of Chaplains in Greenwich Hospital, than the Reverend Messrs. Cooke and Maule, who certainly are not objects of charity, to be maintained out of a fund, raised principally by a contribution from the wages of Seafaring men; because they have never shared with them the danger of the seas, nor contributed their quota out of wages earned at sea; besides, they are not objects of this or any charity, having other valuable livings *in commendam*, without mentioning the manifest injustice of depriving the Navy Chaplains of their inalienable rights, which would otherwise have produced two good effects at once—a comfortable maintenance for a succession of aged men, and a reduction of the bounty granted by Parliament to the Elder Navy Chaplains; whereas, these young gentlemen may keep out the whole list of Chaplains half a century.

INTRODUCTION

TO THE

ENQUIRY

INTO THE

ABUSES AND MISMANAGEMENT

OF THE

ROYAL HOSPITAL FOR SEAMEN

AT

GREENWICH,

AT THE

BAR OF THE HOUSE OF LORDS.

On Thursday, at Half Past Three o'Clock, March 11, 1779.

THE order of the day being read, the Duke of Richmond rose, and stated his reasons at large for going into a Committee to enquire into the management of Greenwich Hospital. His Grace was heard with remarkable attention from every side of the House, and was on his legs for upwards of an hour and an half. His detail was highly interesting, finished and correct; but the scope of his Grace's arguments can only be followed in miniature. He disclaimed every idea of accusation and crimination, and said the facts he meant to state, he did not by any means pledge himself to prove; he should submit them entirely to their Lordships, in the sense they deserved, to be received as *ex parte* evidence.

As a grand juror they were sufficient to satisfy him, that they ought to be enquired into; he neither wished to condemn, or acquit, further than the evidence would warrant.

It was a charge brought by Captain Baillie, the Lieutenant-Governor, against the Admiralty, the Directors, and several of the officers of Greenwich Hospital. It behoved that gentleman to make good his charges; it no less behoved their Lordships to pass judgment according to the nature of the proofs.

His Grace then took notice of the utility and importance of the institution, the magnificent impression it gave to foreigners, the humanity and generosity it redounded on the nation. He next stated the immense revenues that were annexed to its support, such as the Derwentwater estate, producing about 20,000*l. per annum*, a bequest from a private citizen of London, a Mr. Osbolston, of 4,000*l. per annum* (that is to say) the North and South Foreland Lights; the interest of 260,000*l.* in the public funds, about 7,800*l. per annum*; the monthly sixpences paid by about one hundred thousand sea-faring men of every denomination, serving, or sailing in British bottoms, amounting an-

nually to about 32,500*l.* the half-pay of the officers of the house, above 1000*l. per annum*, with some rents and etceteras, making in the whole about 65,000*l. per annum*, clear of all deductions whatsoever, without adverting to parliamentary aids, or the unclaimed shares of prize-money, forfeited by act of parliament to Greenwich Hospital, which latter amounts to large sums, about 100,000*l.* having been paid in, during the peace and the last war.

His Grace then observed, that the greatness of the subject, and the well being of the seamen under their care, made every thing, respecting the conduct of such an institution, of the utmost national consequence; and if there was an appearance of default, it was not unworthy Parliament to interpose; he had heard of sufficient misconduct to sanction an enquiry. He declared he knew nothing of Captain Baillie, previous to his application to him as a Governor and Commissioner of the Hospital; and, however strange it might appear, he acknowledged, he wanted that information, nor did he ever suspect, that he himself, as well as many other Peers, till that period, were Governors and Commissioners of that establishment, declaring, that all he wanted, was to do an act of justice, and that the judgment of a court below in discharging several suits instituted against Captain Baillie with costs, first suggested to him, there might be grounds for a parliamentary enquiry; that Captain Baillie appeared to him to be a persecuted, as well as a prosecuted man.

His Grace then proceeded to state to their Lordships the abuses which had (by Captain Baillie's account) branched into the management and conduct of this great and noble institution, which, consisting of many articles, he should not trouble their Lordships with the minutiae of them, for though Captain Baillie, in his situation as Lieutenant-Governor, might be warranted in laying every abuse (that came within his

B

knowledge)

knowledge) before a General Court of Governors, he should only enumerate those which had most caught his attention, viz. the alterations in the Charter from the original Commission, highly detrimental to the Hospital and the sea service, and the transferring from the General Court, consisting of the Privy Council, Lord Mayor and Aldermen of London, Admirals, &c. to the Admiralty, the recommendation of all officers to be by them appointed accordingly.

ARTICLE I. The leaving out essential words and whole passages in the Charter, and adding new powers and authorities, without the knowledge, privity, or consent of a General Court of Governors.

II. The violation of the original institution, by the appointment of officers in the Hospital, who are not seafaring men.

III. The appointment of such officers in the Council of the house to govern seamen, of whose disposition, temper, and manners, they were totally ignorant.

IV. The admission of a number of clerks, deputies, and servants, who are not seafaring men, into apartments in the Hospital, and some of them into the wards of the Pensioners.

V. That the Directors have given fresh contracts to Peter Mellish, the contracting butcher, who had been convicted of fraud; that whilst another action was pending, they gave him a second contract, and a third contract, after they had compounded fifty other fraudulent breaches for one hundred pounds.

VI. That money, instead of provisions, is given by the Directors to above one thousand Pensioners, which encourages drunkenness and disorder in the Hospital.

VII. That this matter had been represented as an abuse, by the unanimous consent of the Council of the House, to the Directors, without effect.

VIII. That money arising from such savings, in giving less money than the value of the provisions, together with the mulcts and checks upon the Pensioners, create a fund, called the *Charity Stock*, out of which additional salaries are given to various civil officers, who have votes in laying on those mulcts.

IX. That in many parts of the cloathing, such as shoes, stockings, linen, beds, washing, &c. there are great abuses.

X. That the provisions have been frequently represented by the Council to the Board of Directors to be bad, by the mal-practices of the receiving officers and of the contractors, without proper attention on the part of the Directors.

XI. That the beer in particular has been found so bad, as to oblige the Council at one time to start 4,000 gallons, as unfit for use, to prevent its being served to the men, without any punishment being inflicted on the brewer, or any of the civil officers, whose duty it was to superintend the brewery.

XII. That the Directors have given a thousand pounds by private agreement for cleaning the pictures in the Painted Hall without advertising for proposals by contract, in order to ascertain the value of that public work.

XIII. That the danger of fire, for want of better regulation, has not been attended to, by which neglect a most dreadful misfortune has happened, whereby the Hospital will not be enabled, in this moment of war, to provide for so many Pensioners, as with proper precaution it might have done, besides the great inconvenience brought upon the Pensioners, and expence to the Hospital.

His Grace commented on these frauds and abuses with a proper spirit, and feeling for the Seamen, whom he considered as the bulwark of their country, men who had assisted in her most important acquisitions and victories, and as such strongly recommended them to the commiseration, care, and protection of their Lordships.

His Grace mentioned another matter very particularly, which was, "That a negotiation had been sanctioned by the First Lord of the Admiralty, offering Captain Baillie a yearly sum as an equivalent, in lieu of his Lieutenant government, provided he would write a letter of resignation, signifying that a combi-

nation was formed against him in the Hospital, which prevented him from doing his duty; but that Captain Baillie having spurned at the idea of criminating himself by a voluntary resignation, Lord Sandwich considered it as a flag of defiance, and therefore immediately turned him out of his employment of Lieutenant-Governor and Director of Greenwich Hospital. — Lord Sandwich, in reply to the last fact concerning this negotiation, declared upon his honour, as a Peer of Parliament, and pledged himself to that House, to prove the whole of that transaction, as stated by the noble Duke, as well as every other thing mentioned in Captain Baillie's State of Greenwich Hospital, to be false; that the truth was, Mr. Baillie had made application to him by letter, and not he to Mr. Baillie; that Mr. Murphy, one of Captain Baillie's Council, was ready to attest this fact; and what was very extraordinary, his Lordship thought proper to represent, that Mr. Murphy's application to him on the account of Mr. Baillie, was after the last-mentioned gentleman's dismissal from his employments. His Lordship, was warmly proceeding further in his vindication, when he was interrupted by the Lord Chancellor, who said, no charge had yet been made against the noble Lord, all the noble Duke had said was nothing more than mere intimation, till it had been established by proof, it was therefore premature to give a refutation.

Lord Sandwich acquiesced in the propriety of the noble Lord's interposition.

The Duke of Richmond also expressed the same opinion; the House then resolved itself into a Committee, and the clerk proceeding to read some preparatory papers, was interrupted by Lord Fortescue, who desired to know if there were any papers before the Committee, relative to the complaints made by the Treasurer of the Hospital, stating several instances of gross abuse and mismanagement, respecting the Receiver of the Sixpenny-office.

This called up Lord Townshend to order, and produced a short debate, in which the Dukes of Richmond, Bolton and Chandos, and Lords Sandwich, Weymouth, Mansfield, and the Lord Chancellor, likewise bore a part—it was at length agreed, that as the House was in a Committee, Lord Fortescue should move for the papers mentioned by him, in a full House, which had not been produced with the other papers, in consequence of the general order. Upon some farther conversation, the House adjourned till eight o'clock the next day, and the Lords to be summoned accordingly.

On Friday the 12th of March, the Lords met again, and the order of the day being read for the House to resolve itself into a Committee, whereupon the Lord Chancellor left the Woolsack, and Lord Scarfdale took the chair, a great number of papers, which had been presented relative to the subject, were read.

Lord Sandwich then rose, and said, as he had found himself mistaken in a particular to which he had spoken the preceding day, begged leave to take the opportunity of that full House to recall his assertion. The noble Duke, in his opening speech, had mentioned the negotiation between Captain Baillie's Counsel and the Admiralty, and in his reply he had declared that the negotiation took place subsequent to Captain Baillie's dismissal; the fact, he recollected, happened prior to Mr. Baillie's dismissal from his office of Lieutenant-Governor; the error, his Lordship declared, arose merely from forgetfulness, and as he, upon recollection, found he was wrong, he thought it incumbent upon him, as well out of respect to their Lordships, as in point of candour and truth, to acknowledge it, in order that an improper idea might not be entertained, either as to his attempting to charge the noble Duke with having stated a false fact, or that he should rest any part of his reply to the matters of charge, which might come out in the course of the enquiry, upon false grounds.

The Duke of Richmond agreed, that it was perfectly fair for the noble Lord, upon his better recollection

lection to recall any of his assertions, and also that it was extremely candid to do it in so early a stage of the business; he only wished their Lordships to remember, that upon the contradiction of the assertion relative to the negotiation with Captain Baillie's Counsel, the noble Lord had built an inference, and an argument which extended a great way, the having flatly and directly said, that one assertion was false, it was very natural to imagine, might induce their Lordships to conclude, that all or most of the rest were equally false, which he had also asserted; but as the noble Lord had now called to mind the real state of the negotiation, and acknowledged it; for as the latter grew out of the former, they ought certainly to fall together, and the one to be given up as well as the other.

His Grace said, he was at a loss in what manner to proceed, as to the discussion of the several articles of enquiry, which was, in fact, their true name, as they were not matters of charge, but matters of Parliamentary enquiry. He declared, he was perfectly indifferent as to the mode of proceeding, and submitted it to their Lordships, whether it should be, by dividing the articles, and entering upon an examination of evidence, in defence of each separately, concluding entirely, and determining upon one before another was begun, or by hearing evidence generally to the whole, and drawing an ultimate conclusion from the evidence at large. His only wish was to adopt that line and rule of procedure, which should tend best to render the enquiry short, clear, certain, easy to comprehend, and conclusive.

This candid appeal to the Committee, gave rise to a warm debate, which lasted above an hour. The Lord Chancellor, the Dukes of Richmond and Grafton, Lord Camden, Lord Mansfield, and Lord Ravensworth, taking a part in it.

The Lord Chancellor and Lord Mansfield contended, that the proper mode of proceeding would be to hear the whole evidence to the whole charge, (for a charge in effect it was, though the noble Duke did not urge it as a matter of accusation); then for the noble Lord on behalf of himself, or any person he might think affected by what came out in the course of the enquiry, to state his defence, and that their Lordships would by such a mode of procedure be best enabled to judge of the entire matter.

Lord Camden, the Duke of Grafton, Lord Ravensworth, and the Duke of Richmond, were of a different opinion. They thought it would be an endless matter to go generally into evidence, contending that perspicuity, and an endeavour to render the evidence on each point comprehensible to every capacity, and impressive on every memory, were certainly the principal objects to be desired. That if one article was not concluded upon, and finally disposed of before a second was begun to be enquired into, the enquiry might last for ever; that the minds of the noble Lords in general would be perplexed, and it would be absolutely impossible either to discriminate the nature, or the degree of evidence adduced, in support of one article, or in any shape whatever, to decide with truth and precision upon the whole.

In the course of this debate, Lord Mansfield said, that the impending enquiry had been brought in by a noble Duke, who had very candidly declared, that he took it up merely upon public grounds; that the noble Duke had further acknowledged, that he did not pretend to say the assertions were founded, or to vouch for the truth of any one of them, but that he thought they were of sufficient importance to call for a Parliamentary examination. His Lordship went on to declare, that as a material part of the object arose from Captain Baillie's book, which contained a variety of aggravated charges of abuse of the Charter of the Hospital, and of mismanagement in different shapes, which tended to affect and criminate many persons who were absent, though chiefly centering in an accusation on a noble Lord who had a seat in that House, he did not doubt but their Lordships would

take care of the absent parties, and regard them as men accused and unheard, and that in the whole proceeding of the enquiry, they would conduct the business with candour and fairness respecting the noble person who was a Member of the House, which, he contended, they could not do without hearing the whole of the evidence respecting every part of the object of enquiry, since their ultimate conclusion must necessarily be general, and consequently be founded on the totality of the matter adduced in evidence, both in support of the charges, and in defence of the parties accused.

In reply to this, Lord Camden protested against any idea of the present enquiry being founded on a personal attack, and hoped that no noble Lord would consider it in so odious and prejudicial a point of view; he solemnly disclaimed every suggestion or intention of attack on any man, or any set of men, declaring, that the only motive which weighed with him, and induced him to take a part in the enquiry, was the public good, and an ardent desire, at this critical moment, to convince those brave and gallant men, the *Navy Officers and Seamen of England*, on whose courage and activity this country depended for safety and prosperity, that the noblest foundation in the world, a foundation which did the utmost honour to Great Britain, was attentively regarded and watched by Parliament with a jealous eye, as *the nation's great man of war*, as an asylum for disabled seamen, and for such only as had purchased it by their blood, by their services, and by the contributions they had paid; that it was the business of Parliament to defend and protect them, and to prevent every abuse in the management of it, in order that should be a place of rest, fit to receive them and their successors, *the pillow* on which they were to repose, after their danger, toil, and care, in defence of the public; in fact, that this place of retirement, which they regarded as *their last port*, as their only haven of comfort, happiness, and peace, ought to be preserved for *them*, and *them only*, with every enjoyment and advantage deducible from its original constitution.

The Duke of Richmond professed himself much hurt at what had fallen from the noble and learned law Lord. He begged again and again, that it might be considered he meant no personal accusation, that he brought no charge, nor wished to criminate either the noble Lord at the head of the Admiralty, or any other person. The noble and learned Lord had hurt him still more, by suggesting that he had brought a charge against absent persons. God forbid, that he should ever accuse men who were not present, or who could not make their defence! much more ashamed should he be to attempt to draw any conclusions of a criminating nature against those who were absent. In his opening speech, he had expressly declared, that all the various matters which he had stated, arose from *ex parte* evidence, and that he did not lay them down as facts, which he undertook to prove. He was perfectly indifferent as to the issue of the enquiry; convinced, however, as he was, that the subject of it was sufficiently important to require Parliamentary examination, he should certainly proceed, but he again submitted it to their Lordships' consideration, which would be the best mode of receiving the evidence.

Lord Mansfield, in reply, said, the noble Duke had certainly been looking over some papers, or had his thoughts otherwise so much engaged when he had spoken, that he did not hear him distinctly. Nothing could be farther from his meaning, than the idea the noble Duke had revolted at, and nothing could be stronger in expression, than the words he had used, respecting the nature of the enquiry, and the candid manner in which the noble Duke had brought it forward. His Lordship repeated his words, and shewed that he had not uttered a syllable, which led to an insinuation of the charge being personally levelled, or that the noble Duke meant to criminate absent persons.

At length the Committee proceeded to examine witnesses, who being all previously sworn,

Captain

HOUSE OF LORDS.

Captain BAILLIE, the late Lieutenant Governor, was called in.

Q. Please to inform the Committee whether you have read the new Charter?

A. I have.

Q. Have you read the old Commission?

A. I have.

Q. Have you compared the old Commission with the new Charter?

A. I have compared them.

Q. Is there any difference between them?

A. There are a great many alterations and additions which are very material, in my humble judgment.

Q. Do you know who prepared the Charter?

A. I believe it was prepared by Mr. Ibbetson, the Secretary to the Directors of the Hospital and General Court of Governors and Commissioners.

Q. Was the Charter ever read at a General Court that you know of?

A. When it was produced at a General Court at the Admiralty, in order to be read, Lord Sandwich was pleased to say he thought the reading unnecessary, as it was a mere copy of the old Commission, except some alterations in point of form.

Q. Was the Charter then sealed, or was it the draught of the Charter?

A. It was the Charter.

Q. Was the Great Seal to it?

A. I believe it was.

Q. Was any draught of that Charter laid before the General Court previous to its being sealed with the Great Seal?

A. I don't know that there was; there was a rough draught of it brought to the Board of Directors.

Q. Have you constantly attended the General Courts?

A. I generally attended very constantly.

Q. You don't recollect that any draught of the Charter was produced at a General Court, previous to the Great Seal being affixed to it?

A. I don't recollect that there was.

Q. Was it before the Court of Directors that you spoke of the rough draught being produced?

A. Yes—I really don't recollect the particulars of it—but I did not understand then that there were any alterations, additions, or omissions, from the original Commission.

Q. Who produced that draught?

A. I believe the Auditor or the Secretary, I am not sure which.

Q. Upon what occasion was the Charter read before the General Court?

A. It was not read at all in my hearing.

Q. With what view was it attempted to be read?

A. I have said it was supposed unnecessary to read it; that it was a mere copy of the old Commissions, some alterations only in point of form, on account of the incorporating of the Governors and Commissioners.

Q. When you found that there were some material alterations, did you ever represent that as a grievance, and a thing that ought not to have been?

A. I never knew that there were any alterations till the Charter had passed the Great Seal, and then I compared the old Commissions with the Charter, and found very essential alterations. I beg your Lordships to understand that the Charter was not entirely read, only some particular parts of it, at the desire of Capt. Hood, the Treasurer, who found himself aggrieved by leaving out part of his titles; Receiver General was left out, which he thought affected him, otherwise, I believe, no part of it had been read at all.

Q. Captain Baillie said, if I understand him, that he believed the Charter was prepared by Mr. Ibbetson; does Captain Baillie know of no other person employed besides him?

A. Mr. Ibbetson is Secretary; we have no other

to the Hospital, to the Board of Directors, and the General Court of Governors and Commissioners.

Q. What reason have you to believe it was prepared by him?

A. Because he does all the business of Greenwich Hospital, as far as comes under my knowledge, as far as I know in that line.

Q. Did you never hear of this Charter being laid before and prepared by any eminent Counsel?

A. I have heard that it was to be referred to the Attorney and Solicitor-General; I did hear that mentioned, that it lay some time with them, after it was drawn up.

Q. Had the Solicitor to the Hospital any hand in preparing it?

A. I don't know that he had. [Capt. Baillie withdrew.]

Mr. IBBETSON called in, Secretary to the Directors of Greenwich Hospital.

Q. Please to give an account to the House of what you know of the new Charter; how it was prepared; by whom it was planned? who shewn to? and what steps it went through?

A. It was originally proposed by Mr. Eden, the Auditor, the having a Charter for incorporating Greenwich Hospital. The Solicitor for Greenwich Hospital was directed, with the assistance of Mr. Eden, to prepare the draught of a Charter to be laid before the Attorney and Solicitor-General; a draught of a Charter was accordingly prepared. First of all there was an opinion taken from the Attorney and Solicitor-General, and Mr. Eden's opinion of the necessity and expediency of having a Charter for Greenwich Hospital. They gave their opinion, that it was expedient and necessary; a draught of a Charter was ordered to be prepared, with the assistance of Mr. Eden, and to be laid before the Attorney and Solicitor-General; by them it was settled; it was brought before the Board of Directors as settled by the Attorney and Solicitor-General; the Board thought it would be necessary to add a clause to it, with respect to the Treasurer, and other people concerned in the receipt of money for Greenwich Hospital giving security; that was proposed, laid before the Attorney and Solicitor-General, and with that amendment the Charter passed the Great Seal.

Q. When that was laid before the General Court, was it then sealed?

A. Yes, it was sealed; it came perfect; the Charter itself under the Seal was brought to the General Court, and was laid before the General Court. It was not all of it read.

Q. What General Court was it this Charter was laid before?

A. The General Court immediately after the date of it, in December, 1775, I think—I can refer to the books.

Q. Have you the minutes of that General Court here?

A. I have.

Q. Please to read them.

[The witness produced the minutes, and read an entry purporting, that the new Charter was presented to a General Court, on Saturday the 16th of December, 1775, and that as the new Charter omitted to stile the Treasurer Receiver General, which title he had in the old Commission, the Treasurer being present, expressed his doubts, whether an omission of the last mentioned title might not affect the powers of his office; upon which the General Court ordered, that a case be stated, and laid before the Attorney and Solicitor General, if the Treasurer, upon further consideration, should think the same necessary.]

Q. What was done in consequence of that?

A. At a subsequent General Court, held on the 16th of February following, the Governor acquainted the Court, that the Charter had been altered in the presence of his Majesty, by adding the words "Receiver General" to the Treasurer's title, as expressed in his Patent and the old Commission.

Q. Then

Q. Then am I to understand that this Charter was never laid before the General Court till it had passed the Great Seal?

A. I am not prepared to speak to that immediately; I don't think it was; but I can refer to that. (*The witness refers to the Minute-Book.*) It does not appear to have been laid before the General Court.

Q. Not any draught of it previous to passing the Great Seal?

A. No.

Q. When it was laid before the General Court, after having passed the Great Seal, what was the notice to persons to attend that General Court? What number of persons were summoned?

A. The Governors and Commissioners that had usually been summoned were summoned upon that occasion; there was no extraordinary summons.

Q. Who are usually summoned?

A. The Lords of the Admiralty, the Secretary at War, the Treasurer of the Navy, the Commissioners of the Navy, and the Lieutenant-Governor, the Auditor and the Directors of Greenwich Hospital, and the Deputy Master of the Trinity House. The Deputy Master of the Trinity House, in the last summons was one of the Directors.

Q. Has it been usual when there has been extraordinary business come before the Hospital to summon nobody else?

A. I never remember but one instance of it.

Q. What was that instance?

A. It was upon the appointment of a Receiver to the Derwentwater estate.

Q. Who was at the head of the Admiralty at that time?

A. Lord Egmont.

Q. Upon that occasion who was summoned?

A. The greatest part of the Commissioners were summoned upon that occasion; I cannot exactly state them; except the Princes of the Blood, I believe almost the whole Commission were summoned.

Q. But upon this occasion of a new Charter being laid before them, there were no more summoned than ordinary?

A. The summonses went in the usual way; I received no directions.

Q. When that Charter was read before the General Court, was it read distinctly, article by article, or only parts of it.

A. A very small part of it was read.

Q. Was it intimated that there were but few alterations; or was any notice taken of any material alterations?

A. There was no notice taken at that time but of the omission of part of the Treasurer's title, which was observed, as I have already mentioned.

Q. Did any body state that there was any material alteration?

A. I don't remember that there was.

Q. Was there any thing said that there was not any material alterations?

A. I don't recollect that any thing of that sort passed. It had been laid before the Attorney and Solicitor-General; I imagine it was supposed to be right.

Q. How did the Treasurer know that his titles were left out.

A. I don't know.

Q. You said it was not read?

A. Probably from the draught of it, as settled, having been read to the Board of Directors?

Q. When was it read to the Board of Directors?

(*The witness refers to some Minutes.*)

A. On the 12th of January, 1774, "a draught of a Charter, as settled by the Attorney and Solicitor-General, laid before the Board."

Q. I understood you to say that the Solicitor and Mr. Eden were directed to prepare a draught of a Charter?

A. Yes, to be laid before the Attorney and Solicitor-General.

Q. Who gave those directions?

A. The Board of Directors.

Q. Were they the only persons who gave the orders for the Charter being prepared?

A. Yes.

Q. Who was consulted in drawing up the Charter?

A. It was upon the proposition of Mr. Eden, who at that time was Auditor and Counsel to the Hospital. In the case of Mr. Ellis, a former Steward, there had been a deficiency; there was some difficulty how he was to be prosecuted; this suggested an idea that it would be necessary to have a Charter to give powers to that body, as well to sue as for other purposes, and the Commissioners having all along directed that a Charter should be prepared.

Q. I meant to ask who were those persons that instructed Mr. Eden, the Solicitor, in what manner they were to make out that draught?

A. There was no instructions given at all; the Solicitor was to prepare a Charter, with the assistance of Mr. Eden, and having so prepared it, it was to be laid before the Attorney and Solicitor-General.

Q. Do you know how it came to pass that Mr. Eden and the Solicitor, of themselves, thought fit to make any material alterations between that and the old Commission.

A. I know nothing respecting the preparation of the Charter, though I am charged with it, than merely its passing the Board.

Q. If you don't know who suggested these alterations, or advised them, then I have nothing to ask you?

A. I do not. The Solicitor is here, probable he may be able to answer that question.

Q. How long is it since the Treasurer of the Hospital was required to give security?

A. This very Charter requires it. There was a clause added; I mentioned that to the House before.

Q. Do you know whether since that security was required, there has been a greater sum of money lodged in the Treasurer's hands?

A. Upon my word, I am not able to speak to that point.

Q. Do you not know that the Treasurer has received much less since the security, which I apprehend to be 10,000l.

A. Yes, it is.

Q. Whether he has not received much less since that time than before?

A. He has had less than 10,000l. since.

Q. How much?

A. Six thousand pounds less.

Q. How were the prosecutions, respecting the Hospital, carried on before the new Charter—in whose name?

A. The Solicitor will be more able to speak to that than I can; but in the case which occasioned the taking up the business of the Charter, Mr. Ellis's case, there was some difficulty how to proceed. There was one opinion, that it was right to proceed by an assumpsit; another opinion, that an information should be filed in Chancery, by the Attorney-General, and that was directed, but there was some difficulty about it; and from that and other things, it was thought necessary to get a new Charter. It had been attempted in several reigns; I traced it almost ready to pass the Great Seals, and then it was stopped.

Q. By whom were those difficulties made; in what Court, or in any Court?

A. I only said I traced the Charter having been prepared: I saw letters in the books of the Admiralty to the Attorney-General, pressing him to expedite the Charter, in Queen Ann's and King George the First's time; no less than two or three Charters had been in a state of preparation, and then they died away, and we cannot trace what stopped them.

Q. Then you do not recollect any prosecutions, and persons transported under prosecutions, in the name of the Directors, under the old Commission?

C

A. There

A. There have undoubtedly been prosecutions; but the Solicitor can explain that better.

Q. I think you stated, that there were directions from the Board of Directors to the Solicitor, and Mr. Eden, to prepare this Charter?

A. Yes.

Q. Do those directions appear upon the Minutes of the Court of Directors?

A. Yes, they are here.

(Refers to the Minute-Book.)

I will, if you please, read a Minute immediately preceding it, respecting Mr. Ellis. On the 26th of February, 1772, "The Solicitor laid before the Board Mr. Eden's opinion, in regard to the method proper to be taken for recovering from Ellis the balance due from him to the Hospital; he advises an assumpsit, though he could not be certain of success. The Solicitor was directed to take the Attorney-General's opinion upon the matter; Mr. Eden having reported upon the above occasion, that he thinks the want of incorporation a considerable defect in the constitution of the Hospital, &c." Resolved, that the same be submitted to the consideration of the next court.

On the 11th of March, 1772, the Solicitor laid before the Board a case, respecting the incorporating the Hospital, with the opinion of the Attorney and Solicitor-General, and Mr. Eden, thereupon, by which it appears, that they think it on many accounts expedient, and even necessary; and that a Charter of incorporation should be prepared for that purpose, as recommended by the King's commission. Ordered, that the Solicitor do, with the advice of Mr. Eden, prepare a draught for that purpose, and lay the same before the Attorney and Solicitor-General to settle.

Q. Before what Court?

A. The court—The Board of Directors.

Q. The first, I think, you mentioned, was at a General Court?

A. The General Court, in the first stage of this business, went to Parliament, with a petition for a Charter by Act of Parliament.

Q. What I want to know is, what the direction is, whether it was a General Court, or a Court of Directors, that gave directions to Mr. Eden and the Solicitor to prepare the Charter?

A. That I have just read of the 11th of March, and that Charter, as settled by the Attorney and Solicitor-General, was laid before the Board of Directors on the 12th of July, 1774, and then they proposed the addition to it of the securities.

Q. Then that draught, as laid before the Directors, was that draught with the alterations, the same as the Charter now stands, except in the case of Captain Hood?

A. I cannot charge my memory; I suppose no alterations were made in it after, except the Security Clause; but the Solicitor is the person I must refer your Lordships to upon this occasion.

Q. You had no hand in drawing the Charter?

A. No; I had no hand in it, but what appears upon the face of the Minutes; I never saw the draught of the Charter, except when it was read to the Board of Directors; I never saw it in the interval of its preparation.

[Mr. Ibbetson withdrew.]

Mr. EVEREST called in, the Solicitor to the Hospital.

Q. Give an account to the House of what you know relative to the new Charter.

A. To the best of my recollection, I received no other directions, than what I received from the Secretary, and those in writing.

Q. Have you a copy of those directions that you received in writing?

A. I have not a copy of them by me at present.

Q. Do you recollect the substance of them?

A. I do not.

Q. Do you recollect whether there were any directions to make any alterations in the Charter from the old Commission?

A. None, that I know of.

Q. Then what did you do in consequence of those directions?

A. In consequence of those directions, some old papers that had been formerly, as I understood, prepared on this occasion, for incorporating the Hospital, were turned to; and from those papers, in which were a draught of a Charter, which was intended to have been passed, as I understood at that time, and from the Commission the present Charter was drawn.

Q. Acquaint the House if you received no directions from any body to make any alterations in the Charter, how you came to make any alterations.

A. I cannot immediately satisfy your Lordships how I came to make those alterations; but your Lordships will please to observe, that I had many materials to take this draught from; I had no one line to go by.

Q. Pray, was not the old Commission a line to go by?

A. It was in a great degree, but not totally so.

Q. Is it not like the old Commission in a great many respects?

A. It is so.

Q. Is it not word for word in a great part of it?

A. I cannot recollect that circumstance.

Q. On what ground did you make the alterations? Did you make them, or any body else?

A. They might be made by me; but I cannot say whether they were or not; it is a thing I am totally unprepared to give an answer to.

Q. What occasion had you to refer to those old papers? Did any body tell you to refer to them?

A. I don't recollect that they did.

Q. I thought you said you referred to them?

A. Certainly I did refer to them.

Q. Who told you to refer to them?

A. To the best of my recollection, but it is a thing I cannot be positive in, they were taken out of the Record-Room, in Greenwich Hospital; a place for depositing the Hospital deeds and papers.

Q. What reason had you to go to look in this old Record-Room for these papers?

A. I had never drawn a Charter before; I wished, therefore, to see what the idea had been; understanding long since, and many times, that there had been such draughts prepared.

Q. When you did make these alterations? Did you acquaint any body with having made these alterations?

A. I don't know that I did; and I so little understood that I was making an improper, or any deviation from what the Charter should, or was intended to have been, that I had no idea of acquainting any person of it; there was no line that I could draw the Charter by; I took it sometimes from one paper, and sometimes from another, as there were a great variety of them.

Q. Don't you know that there are alterations in this Charter from the old one?

A. Till it was pointed out in Mr. Baillie's book, I did not know it?

Q. Did you not know the Hospital had been governed under a Commission from the time of its institution?

A. Yes, I did.

Q. You did not then refer to the original Commission?

A. I believe, I expressed myself so to your Lordships.

Q. Then, if you did refer to it, when you drew this Charter, do you mean to say upon your oath, that you did not know that there was any material difference between them?

A. I did

A. I did not know that there was any more difference, than what seemed to me to be necessary to constitute a new Charter.

Q. Did not you know at that time, that there was a material difference?

A. I did not think the old Commission to be a direct rule for me; there were many papers.

Q. I understood you, that you did not know that there was any material difference in the Charter, till you was apprized of it in Captain Baillie's book?

A. There is a difference; there must be a difference.

Q. Why must there be a difference?

A. The Commission did not make a corporation, there must be words to that purpose.

Q. But is there no difference but that; is the recommendation of the General Court of Commissioners and Governors to the Admiralty, in the appointment of all the offices left out in the Charter, or is it not?

A. It is left out.

Q. Why was it left out?

A. I cannot undertake to say why.

Q. Did any body desire you to leave it out?

A. No, so help me God.

Q. You took it upon yourself?

A. I cannot answer at this distance of time, whether I took it upon myself, or who took it upon themselves.

Q. I am sure I don't mean to lead you, only I thought the inference fair, when you said nobody directed you, that you took it upon yourself?

A. I cannot say.

Q. What was your reason for leaving it out?

A. I had no particular reason for leaving it out.

Q. Is it possible that a man of business can make a material alteration, without having some reason for it; you are here upon your oath, and I insist upon knowing what that reason was?

A. I don't from my recollection know, that either I did or did not leave it out, nor how it was left out, I protest.

Q. There was also a power of removal of the officers, which was not in the original Commission, and which is in the new Charter. Is there not?

A. I believe there is.

Q. How did that happen?

A. I don't recollect how that happened.

Q. Did any body give you directions to do it?

A. No, not that I remember, any body.

Q. Did any body else make the alterations, or was it you?

A. Not that I know of.

Q. Was it you or any body else?

A. Upon my honour, I don't know, I protest.

Q. Do you know the reason why that alteration was made?

A. No, I don't.

Q. Do you recollect that there is another alteration in this Charter, and the application of the money arising from the charity, being for the uses of the Hospital, is totally left out; do you recollect that?

A. I don't know how it came to be left out; it is a long while for a person's recollection to go to December, 1775.

Q. The words I mean are these, "And we do hereby, for us, our heirs, and successors, strictly charge and command, enjoin and require, that none of the monies, or other things, which shall be given, contributed, &c. shall be diverted, issued, or applied, or be in any ways applicable to any use or purpose whatsoever, otherwise than to the charitable purposes aforementioned, &c."

These words are left out in the new Charter; I desire to know if you left them out?

A. I don't know.

Q. Do you know whether any body else left them out?

A. No, I don't.

Q. Do you know why they were left out?

A. No, I don't know why they were left out.

Q. Then there are some other words which are inserted; these words are inserted in the new Charter, "And also to sell, grant, demise, alien, or dispose of the same manors, messuages, &c." Do you know why that power of selling was introduced in the Charter, selling the whole estates of the Hospital?

A. I believe that clause was found in one of the draughts that I had for my guidance; but if your Lordships will please to attend to the Charter, from the best of my recollection, there is a clause immediately preceding that, which gives the Hospital a power to purchase estates, which I believe they had not by the former Commission; it gives them a power to receive devises of manors, messuages, lands, and so on, and immediately, as I think, this clause of which his Grace speaks, follows, and it was not, to the best of my memory, then understood, that the clause giving a power to the Hospital to sell the estates, extended any farther than to those they had bought, or such as were devised to them, to the best of my recollection.

Q. You mentioned materials that you had for your guidance, be so good as to mention what they were?

A. It is almost impossible for me to do that, who have never seen them since.

Q. Where did you take them from?

A. To the best of my recollection they were taken from the Record-Room in Greenwich Hospital.

Q. Who gave them to you?

A. Your Lordships will please to understand, that this Record-Room is under four locks and keys; I have the keeping of one of those keys myself; I do not know who gave them to me, but, from the best of my recollection, I had them from that room.

Q. Did you take them yourself, or any body give them to you?

A. I believe, but I cannot speak certainly to it; I believe that I desired to have them.

Q. Did you return them to that place?

A. I think they are returned, but I cannot speak positively to that point.

Q. Did you keep any copies of those materials that served you for your guide?

A. No, not to my recollection.

Q. Your Lordships will be pleased, that this gentleman may come another day, and I beg he may bring those papers with him.—If you had no authority from any body to make those material alterations, how came you to take upon yourself to make them?

A. I cannot undertake to say either that I did or did not make them; I drew the Charter to the best of my ability, and it was passed by Mr. Eden, and after that went to the Attorney and Solicitor-General, and was finally settled.

Q. Do you take upon you to swear that you do not know whether you made any of these material alterations, or who did make them, or that you received any directions from any person whatever to make any of those alterations?

A. I don't know that I received any directions from any person, (except as I said before) from the Directors of the Hospital in writing: I considered myself acting under the directions also of Mr. Eden.

Q. Did Mr. Eden give you any directions relative to the alteration that you mentioned?

A. It is impossible for me to say at this distance of time, but I think not; I don't know.

Q. You swear then you don't know, you don't recollect whether any body gave you any directions, or whether it was you or any body else made them?

A. I believe I stated, that I had received directions from the Board of Directors, that I considered myself acting under Mr. Eden.

Q. But did you receive from the Board of Directors, or Mr. Eden, any directions to make alterations in the Charter?

A. Not that I recollect.

Q. Think

Q. Think a little before you answer the question I am going to ask you, and answer it seriously: I understand that these alterations in the Charter were taken by you from certain loose papers that you got out of the Record-Room in Greenwich Hospital; it was so, was it?

A. I believe I informed your Lordships, that I had no line to go by upon that occasion; that I had never drawn a Charter before; that I had recourse to such papers as I thought would be useful to me; and with them, the best judgment that I could form upon the occasion, and the Commission, were the things by which I was guided?

Q. Then in the alterations in the Charter, which are not found in the Commission, I ask you, if you took those alterations from the old papers that you got out of the Record-Room or not?

A. I cannot undertake to say that I did or did not.

Q. If you did not take them from those papers, from whence else could you have them?

A. Upon my oath I do not know.

Q. Did Mr. Eden give you any such instructions?

A. Not that I recollect.

Q. Did any body else whatever give you such orders?

A. Not that I know of.

Q. Unless you had the authority of these papers, how came you, without such orders, to take upon you to take the appointment of officers out of the General Court, and give it to the Board of Admiralty?

A. I don't know at this time what was the occasion of it; or whether it was intended at all, I don't know.

Q. You don't know whether it was intended to be done?

A. I don't know, my Lord.

Q. You will be so good as to inform their Lordships, how, as a Solicitor, and a very young man, he could undertake, and could justify to himself, to make material alterations in a Charter, from the original Commission?

A. I understood, that I was to draw the Charter from such materials as I could get, and from my own judgment about it; I have discharged my conscience about the matter, and I don't know of any directions that were given, any otherwise than those I have stated to your Lordships.

Q. When you carried the Charter, to lay it before the Attorney and Solicitor-General, did you then apprise those two great lawyers that you had altered several of the points from the original Commission?

A. I did not, to the best of my recollection, take it to the Attorney and Solicitor-General; a Mr. Sibthorpe, who was at that time concerned jointly with me, had a great deal of the transaction of that business with the Attorney and Solicitor-General.

Q. Do you undertake to say that you did not carry it to the Attorney and Solicitor-General?

A. I don't recollect that perfectly.

Q. As your memory is so extremely short, I imagine it is some days since you have been summoned to attend this House, have you ever had the curiosity, knowing that your memory is so extremely defective, as it appears here, to compare the Charter with the original Commission?

A. I have looked at them.

Q. How long ago?

A. I was looking at them this morning.

Q. How long is it ago since you was summoned to attend this House?

A. I believe about ten, or positively eleven days.

Q. Did you not think it material, when you had had so great a hand, and absolutely the drawing of this Charter, not to refresh so short a memory as your's is, with the particular investigation of that Charter, and comparing it with the Commission before this morning?

A. No; I have looked at it, but not as comparing it, nor under any idea of giving evidence of it here.

Q. Did you ever take notice to any body, that you had made these alterations in this Charter?

A. Not that I recollect.

Q. At no time did you ever mention it to any body?

A. Not that I know of.

Q. How long is it since you have been summoned to attend this House?

A. I think, about ten or eleven days.

Q. Have you had any conversation during that time, respecting the business of Greenwich Hospital?

A. I have conversed at several times with various officers of the Hospital?

Q. With whom upon this business?

A. I believe most of the officers; I don't know any one particularly that I have conversed with about it?

Q. Have you conversed upon the subject of the Charter?

A. Not that I know of.

Q. How long have you been the Solicitor to Greenwich Hospital?

A. I was concerned with Mr. Sibthorpe immediately after my father's death, which was ten years ago.

Q. How was you bred?—To what business?

A. An Attorney?

Q. How long have you been an Attorney?

A. I was an Attorney very soon after my father's death?

Q. We don't know when your father died?

A. I believe, I explained to your Lordships, it was about ten years.

Q. How long have you been appointed Solicitor to the Hospital?

A. Almost immediately upon my father's death, which is about ten years ago?

Q. Was you an apprentice to any Attorney before you was an Attorney?

A. I was clerk to my father.

Q. How long?

A. Not quite five years, but I served the remainder with Mr. Sibthorpe?

Q. I only wish to ask the witness; he says that this new Charter was laid before the Attorney and Solicitor-General, I desire to know whether they made any alterations in it, after it was laid before them?

A. I believe, that the almost, if not entirely, the only alteration made by the Attorney and Solicitor-General, was the clause directing security to be taken?

Q. Was the old Commission laid before the Attorney and Solicitor-General at the same time, with the draught of the new Charter.

A. I don't know.

Q. Who were the Attorney and Solicitor-General at that time?

A. The present Chancellor was Attorney-General, and Mr. Wedderburne Solicitor.

Q. So you don't know whether the Attorney or Solicitor-General did know there was any variation made between the new Charter and the old Commission?

A. I don't know that any otherwise, than was necessary to constitute a Charter; there must be some variation, to be sure.

[The witness was ordered to attend on Monday next, and bring those materials with him, which he made use of in drawing up the Charter.]

Q. Whether you singly drew up the Charter, or whether Mr. Sibthorpe was concerned with you in drawing it up?

A. Mr. Sibthorpe and I, to the best of my recollection, drew it together.

Q. He was concerned with you in drawing of it?

A. Yes, he was.

Q. I think

Q. I think you say, Sibthorpe and you together drew it?

A. Yes, I think so.

Q. Under the direction of Mr. Eden?

A. Yes.

Q. You recollect that was the case, do you?

A. Yes, perfectly.

Q. I suppose, after you had drawn this Charter, you delivered it to Mr. Eden for his perusal?

A. It was laid before Mr. Eden for his perusal.

Q. When you laid it before him, did not you observe to him, that you had made these essential alterations?

A. I cannot recollect, whether I or Mr. Sibthorpe laid it before him.

Q. Did Mr. Eden make any alterations?

A. I cannot recollect.

Mr. IBBETSON again.

In the hurry of looking over the Minutes at the bar, I did omit one which I should have taken notice of; I did mention to the House, that there had been an application from the General Court to Parliament, for an act of Parliament to incorporate the Hospital, that did not take place; and, I find, upon looking over the Minutes, since I withdrew from the bar, that the draught of the Charter had been settled by the Attorney and Solicitor-General, with the addition of the security clause, was laid before the General Court, and that was on the 10th of March, 1774. The Directors in their Memorial to that General Court say, thus: that having laid before the Attorney and Solicitor-General, a draught of a Charter of Incorporation for the Hospital, &c. and having added, according to their recommendation, a clause for the Treasurer to give security, the resolution of the General Court was, that they approved of the draught of the new Charter.

Q. Who were present at that time?

A. Lord Sandwich, Mr. Buller, Lord Palmerston, Lords of the Admiralty, &c. &c. in the whole fifteen in number.

Q. Was the Charter read paragraph by paragraph at the General Court?

A. The draught of the Charter appears to have been read through; I recollect very well, that the Charter itself was not read?

Q. You say it appears, that the draught was read through, it may be entered as read, it may appear so upon the books; but was you present at the General Court?

A. I don't recollect that it was not read; and I am very well convinced, in my own mind, that the draught was read, but that the Charter itself was not read, any more than sometimes as your Lordships bills are read, just the title of it.

Q. Please to recollect, and will you take upon you to say that it was read?

A. I think I can venture to say it, but I will not say it positively, but I have no reason to think that it was not read.

Q. Do you take upon you to say positively that it was or was not?

A. I believe it was read, I know nothing to the contrary.

Q. Whether it was not one of the points of business, upon which they met to consider of this draught?

A. It was a part of the business of the day, it came in among other business.

Q. Was this draught of the Charter, to the best of your knowledge, read to the General Court?

A. To the best of my knowledge and belief, certainly it was read.

Q. Were any of these alterations between the Commission and Charter, pointed out to the General Court at that time?

A. No, there was nothing pointed out in it, that I recollect.

Q. Was the Commission produced at that Court, and read?

A. No, it was not, nor any comparison made between them.

Q. Did no member there take notice of any alteration between one and the other?

A. Not that I recollect; and I cannot see how they could, unless they had had them both before them?

Q. How soon did you observe, or was you acquainted with the alterations in the Charter?

A. I never knew any thing of the alterations myself in the Charter; I never compared it with the Commission; I concluded it was properly settled, having gone through such hands; till Mr. Baillie pointed them out in his book, no other alteration than the security clause, that was an addition as it stands upon the books, as recommended to be inserted.

Mr. Ibbetson withdrew, and the House adjourned to [Monday].

Mr. EVEREST, the Solicitor, called in.

Q. Have you brought those papers that were ordered?

A. I have. (*Produces some papers.*)

Q. What are these papers?

A. The several draughts and copies of Charters, that I have been able to collect since last Friday.

Q. That you have been able to collect?

A. Yes.

Q. When were those draughts and papers made out?

A. The first was drawn by myself; was corrected, as I find afterwards, by Mr. Sibthorpe, who was then Joint Solicitor of the Hospital with me; a copy was made from that, and laid before Mr. Eden, and corrected by him after that; three copies were made, one for the Attorney-General, one for the Solicitor-General, and another for Mr. Eden.

Q. Are those all the papers that you have produced?

A. I was going on, if the Committee will give me leave: the Attorney and Solicitor-General advised, by an opinion in writing at the end of one of them, that a clause should be added for the Treasurer to give security; this was laid before the Board of Directors, and they ordered the clause to be drawn; accordingly a copy was then made for the Board, with the clause inserted; I find, by the Minutes of the Board, that it was then laid before the Board, and they made alterations in it; from thence another copy was made for the General Court, and by them finally approved.

Q. Are these all the papers?

A. I have not them all.

Q. Are those that you have been describing, all the papers you have brought with you?

A. I will read their titles.

Q. Are they, or are they not, all you have brought with you?

A. I have not brought all I have been describing, because I could not find them all; what I have brought is the first draught which I drew myself, and which was corrected by Mr. Sibthorpe; that was afterwards corrected by Mr. Eden, and then the third draught was corrected by the Attorney and Solicitor-General, and Mr. Eden.

Q. Have you any papers but what you have produced?

A. None, but what I have produced.

Q. Have you searched into the Record-Room, and made any enquiry concerning these old papers and draughts you spoke of the other day?

A. I have been into the Record-Room and searched there; I found that the papers were not there, but in my possession, and I have now delivered them to your Lordships.

Q. Was there any other alterations ever made in the draught of the Charter, but those you have mentioned?

A. No.

Q. Did you ever converse with any body else, but those that you have named, upon the drawing

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of the Charter, to my Lord Sandwich, or any of the Lords of the Admiralty?

A. No.

Q. Nor receive any message upon the subject from any body?

A. None.

Q. Was Mr. Ibbetson concerned in drawing up that Charter?

A. Not by any means.

Q. What was the expence of the Charter?

A. I have not taken that out.

Q. Do you know how much you have received upon that account?

A. Upon account of the Charter?

Q. Upon account of the expence of passing it?

A. I am not prepared at present to answer that question, but I believe it was upwards of a thousand pounds: if the House have any wish to go into that, I will, upon another day, produce all the papers I can respecting that.

Q. When did you propose to return those papers that belonged to the Record-Room?

A. I had not fixed any time in my own mind about it; I really thought they were returned; it has been a long time since I have seen any thing of them.

Q. Have you compared any of those old papers since you were here on Friday with the present Charter, to see whether the alterations in this new Charter are contained in these old papers?

A. Some of them are in the old draught of a Charter in George the Second's time, which I have delivered to your Lordships.

Q. Is that part contained in that old paper, which give authority to the Lords of the Admiralty to sell the Hospital land?

A. I don't know.

Q. That Charter never passed; did it?

A. No.

[Mr. Everest withdrew.]

The Auditor, Mr. EDEN, called in.

Q. Please to give the Committee an account of what you know relative to the passing the new Charter of Greenwich Hospital?

A. In the beginning of the year 1772, Mr. Ellis, the Steward of the Hospital, failed for a considerable sum of money; I believe about £3500; I was at that time at the bar, and acted as Counsel for the Hospital; it was my duty to settle the form of recovering this money; I found, on looking into the matter, that it was very difficult to direct a mode of prosecution; and I also found, that if any such mode could be carried on, there were no means of recovering, in case Mr. Ellis's circumstances should be found insolvent; for there had been no security given by him, or indeed any other person, intrusted with the money of the Hospital: it was my duty to represent this to the Board of Directors; and I pointed out to them, that they were directed under the Commission, under which we acted, to have a Charter. I knew that under that Charter it would be easy to guard against any such inconvenience in future. The Board upon this directed that the matter should be considered, I believe, by myself, and the then Attorney and Solicitor-General. It was our wish first of all, I believe, to have had this Charter passed in Parliament. It was moved in Parliament, but the answer was, you had better go to the usual form for it through the Crown Officers; we don't wish it agitated here. The business of the Charter then went on, and several meetings were had about it; I believe about this time, till in the month of March, 1772, that I then gave instructions to the Solicitors of the Hospital, Mr. Sibthorpe and Mr. Everest; Mr. Sibthorpe, very eminent in his profession there, and a man we had full confidence in; Mr. Everest was then a very young man; I directed them to prepare a draught for us to look

at. They prepared a draught upon the ground of the Foundling Hospital's Charter and the Commission, taking out as much of the Commission as they thought applied for the benefit of the Hospital; when it came to be put into the Charter, I did not know who prepared it, but I now understand Mr. Everest did; Mr. Sibthorpe corrected it, and brought it so corrected to me. This don't carry me, I believe, later down than the month of March; I made some corrections, which I understand are now before the House, and which may be seen; in making those corrections, I should not have thought it necessary to have retained a single syllable of the Commission, if I could have suggested better words; I believe, however, it so happened, that in general the expressions of the old Commission are retained, as far as they were proper to be retained. There were several other things occurred in settling that Charter, which seemed material to be attended to for the benefit of the Hospital. Hitherto we had a considerable establishment for the benefit of the boys who were sons of seamen. That establishment had not been regularly put under the establishment of the Hospital; it arose from, and was supported by, some contingent sums. The boys go off in three years tolerably compleated in their education. This was grown so considerable an establishment, that it seemed material to subject that to a General Court, and the general form that goes through the rest of the regular business that is inserted in the Charter, not in the former Commission; so all the security clauses of those that have the Hospital money pass through their hands, were submitted for the opinion of the Attorney and Solicitor-General, and they gave their opinion that it was necessary to insert such a clause: that is a considerable benefit to the Hospital, as at all times there is at least £50,000 or £60,000 in circulation, for which the Hospital before had no security, and for which it now has a full security. There were some provisions put into the Charter about the power of altering and disposing of the Hospital's lands, which I hear has drawn some attention. As far as I can recollect of the matter, I apprehend that no such power of aliening or disposing of any thing is given by these words: I conceive them to be mere words of form, so far as relates to any possibility of impairing the property of the Hospital: I conceive that every purchaser takes, subject to that trust, and at his own peril; so far as those words give a power of purchasing, I don't know, I rather apprehend they do not; for in cases subsequent, I understand it has been found necessary to have special licences from the Crown to make those purchases; and in regard to exchanges, it happened two years ago, when there was an exchange, and then it was found necessary to pass an Act for that purpose, which Act actually passed.

I have not looked into the thing, because the House did not give me notice that I was to be summoned here; I heard it by accident; I have not had much time to look into it; but, I believe, that upon looking into the Acts, which vest the Derwent-water estates in the Hospital, it will be found, that no Charter of the King's alone can turn and affect that, exclusive of the nature of the trust, by which any purchaser might be subject to the trust; I don't at this moment recollect any other variations in the Charter. There is an omission, which has been taken notice of: The General Courts recommending the persons proper to be admitted; the words that were in the old Commission were, I believe, pretty nearly these, that the Commissioners, meaning the General Court, shall recommend to the Board of Admiralty to appoint officers necessary for the Hospital. Now I can only suppose what I did then think; by what I think now upon it, it can only have one of two meanings, either that I must have thought at that time, that the Commissioners were meant to recommend the persons, so that they must be appointed; in which case I should have had no hesitation,

hesitation of striking it out, because I am clearly of opinion, it is a much better trust to be in the hands of the Board of Admiralty, who must know the merits of seamen who have served, than in the hands of persons very respectable in life, but not seamen. I understand this is an old clause, from the first institution of the Hospital; and I conceive that the words meant, that the Commissioners should recommend all officers necessary to be appointed; so many Captains, so many Lieutenants, and so on; but that the Board of Admiralty are to name the particular Captains and Lieutenants. There is a clause too, giving the Admiralty power to displace. Now, as far as that addition goes, I believe, it restrains the power of the Admiralty: the Admiralty used to appoint, and do now, indeed, till further order; what I must have thought was this, that this is rather a hard tenure upon an old officer in the Hospital, that he should hold it during the will of the Board of Admiralty, whatever his behaviour was; therefore, I inserted, I think, they should have power to displace for misbehaviour. There were some other words, that the revenue of the Hospital should be applied to the purposes of the charity, and no other purposes whatever; I don't recollect (it will appear) whether I scratched out the words; if I did, I am not ashamed of it, because they are words that mean nothing; and, at this instant, if applied to any purposes, except the purposes of the charity, they are punishable. I don't know whether I have answered the noble Lord's question, but I don't recollect any thing more at present.

Q. Whether the Committee is to understand from what you have said, that these several alterations in the Charter were made by yourself?

A. Upon my word that is a very hard question to answer; I have not seen the paper, except casting my eyes upon them in the bundle; I have not seen them to examine them, therefore I cannot tell; at the distance of seven years, it is impossible for me to know. If any body will take the trouble to examine them, my hand-writing is very easy to be seen, whether I altered them or no; I apprehend I am responsible for every word that is in this Charter.

Q. I don't mean whether you are answerable for it or not; but I want to know the fact, whether you made the alterations or not; if you wish to satisfy yourself, by looking into the draught that is laid before the House, that may easily be handed up to you, to refresh your memory?

A. If you will please to let me see the draught, I will tell your Lordships.

(The draught is handed to Mr. Eden.)

Mr. Eden. I certainly did not alter every thing, because I see in the Attorney-General's brief, there are some passages that are altered.

Q. Please to look at the alterations, one by one, and acquaint the Committee of what you have altered?

A. In my brief, there does not happen to be one alteration, which I am surprized at; but, I believe, the reason was, I had quitted the Bar before it was brought to me.

Q. Then, from thence, are we to understand, that none of the alterations were made by you?

A. I am afraid to say that, because the Solicitor's having free access to me, many things that may appear to be altered, might be by their asking, and my suggesting alterations: I should mention, that there appears to be a great delay in this business; it was stated in the beginning of the year 1772, and was not completed till the end of the year 1775; in the course of that time it was revised very repeatedly by different persons; and was, I believe, a long time before the Attorney and Solicitor-General; they had too much business to give it out of their hands, but at last it did come, though I have sent for their report upon it; it was brought to me from the Secretary of State's office, and I have it here, if the House wish to see it.

(It is handed up to the table.)

Q. There were some other persons consulted in this Charter, I believe; who were these persons? I understood you to say, it was laid before the Attorney and Solicitor-General, and some other persons?

A. I am misunderstood, I am afraid; I don't recollect any other persons, except Mr. Sibthorpe, the Solicitor of the Hospital; I did not mean to say so.

Q. Can you recollect that particular circumstance, of the recommendation being taken from the General Court, having been agitated and discussed between you and any other person?

A. No, I do not indeed; it is very difficult, upon the short notice I have had, to have any recollection of these particulars. I don't know how it happened, but I had not that attention shewn me which is usual; for I had not any notice of it, till I went into the House of Commons to-day; and if I had not been very much disposed to it, I should not have attended, for the House would have interposed respecting it.

Q. You have said, I think, that you look upon yourself as answerable for all these alterations, whether you made them or not, as the draught was laid before you? Do you think that a proper alteration for the recommendation being made to the Board of Admiralty, from the General Court? you said, that the Board of Admiralty were much better judges of the merit of seamen; that though the General Court consisted of very respectable persons, yet they were not seamen. Had you it in contemplation, that the General Court consisted of all the flag-officers?

A. I conceive that the seamen have the best guardians of their merits at the Board of Admiralty; but there is another objection, which is a very forcible one; that is, that the General Court meet at very uncertain times, sometimes at six or seven months distance. Now suppose a Captain in Greenwich Hospital dies.

Q. The General Court were directed to assemble four times a year, by the Commission; by this Charter, which you have taken upon you to answer for, they are directed to assemble twice a year; but, I believe, they can at any time assemble a Court?

A. The Charter directs them to assemble twice a year; before, they were directed to assemble four times a year; but many things broke through that, and they could not meet upon it.

Q. As you don't recollect at all any one of the alterations, can you take upon you to say, whether they were of your recommending or putting in?

A. I believe, if they were gone through singly, many, I should vouch for very readily, to the best of my belief.

Q. The draught you have been looking at, is, I presume, the draught in the hand-writing of the Solicitor?

A. It is.

Q. Was that draught the first you ever saw of this business; had you conversed with the Solicitor, or any other person, upon the subject, before you saw the draught?

A. At that time I must have conversed very frequently, because I was much at Greenwich, and attended the Board very frequently, and must, as I saw the Solicitor there, converse with him frequently.

Q. Then, I should presume, you can recollect whether you was the adviser, or any other person, of those alterations?

A. I should presume I was the adviser, as I was much more acquainted with the subject than the Attorney or Solicitor-General were, and they being much more employed than I was in other matters.

Q. You still seem to think, that all these alterations might spring originally from yourself?

A. I think, in the nature of the business, they must have sprung from myself; I think it was more likely the Solicitor would have consulted me about them, than have taken it upon himself, as I was always attentive to it.

Q. Then

Q. Then it was of your own suggestion, to take the power from the General Court, and give it to the Admiralty?

A. I don't think that is done by the Charter.

Q. I will read the words of the Commission to you (*reads them*) "And we do hereby impower and direct you, our said Commissioners, or any seven or more of you, to recommend to our Commissioners for executing the office of High Admiral now, and for the time being; or our High Admiral for the time being, to appoint, from time to time, all officers necessary to be employed in and for the said Hospital; and we do hereby impower our Commissioners for executing the office of High Admiral now, and for the time being, to appoint all such officers *accordingly*, except the Governor and Treasurer of the said Hospital, provided, that for the future, all such persons to be so recommended and admitted into the said Hospital, as the officers of the House, *or otherwise*, be seafaring men, &c. &c." These are the words of the Commission. Do these words import, or do they not, that the General Court have the power of recommending all their officers?

A. I don't know what I thought then, but I now think, that those words do merely mean only this, that the General Court was to recommend the officers necessary, that it was to recommend the establishment of the Hospital; because, I believe, that the clause will be found in the original Charter, before there was any establishment at all; that is to say, that there should be so many Captains, so many Boatwains, &c. and that then the Admiralty was to fill them up, by inserting proper officers, those officers being seamen.

Q. The Commission says, that the General Court are to recommend, and the Admiralty to appoint *accordingly, as they are recommended*. Now the recommendation, such as it is, is totally omitted here. I desire to know, whether that omission of the recommendation is of your doing and advising, or whether it came from any other quarter?

A. It certainly must be of my doing, or of my approving.

Q. And from no other quarter whatever?

A. No; excepting the Solicitor of the Hospital, I don't know that ever I consulted any person in my life; and, if it is an allusion, that I consulted with the Admiralty, I must say, very solemnly, that I don't believe that the Admiralty knew of this thing till it was in a great degree of completion; I believe the Charter was verbatim, as it now stands, before the Admiralty knew of it; and, I believe, there are Minutes in the possession of the Admiralty, if they chuse to look to them, that will prove that.

Q. I understood Mr. Everest, the other day, that he took those alterations from certain old papers, from former Charters?

A. Here is a draught of a Charter, I believe in the year 1720.

Q. Are any of these alterations suggested in this Charter?

A. I believe, if it is looked at, it will not be found, that this Charter, though drawn by able men at the time, followed a single word of the existing Commission at the time; I believe the persons that drew it did not think it necessary to adhere to the old Charter, but to draw a good Charter from them, for which they would be answerable.

Q. If I understood you right, you said, and repeated it just now, that in drawing the new Charter, you did not feel yourself bound, or limited in any respect, by the Commission?

A. I certainly meant to draw as good a Charter for the Hospital, as I could draw.

Q. Then the Charter you looked upon as tantamount to a new constitution of Greenwich Hospital?

A. I looked upon it, as the instrument which was to give further powers, that were found in the Commission to be wanting, and to draw every thing

else for the benefit of the Hospital that could possibly be done under that instrument.

Q. Did you feel yourself, in that situation, warranted in drawing and forming a new constitution for Greenwich Hospital, without consulting any of the King's Ministers whatever, and particularly those at the head of the naval affairs?

A. I don't feel that I did draw a new constitution, only that I was drawing improvements to what was existing before, and some essentially necessary.

Q. Did you, or did you not, in respect to these improvements, take the opinion of any person in the King's Council?

A. I solemnly declare I did not.

Q. I shall be glad to ask you a question, which seems a weighty one: you said, that you thought yourself responsible for the alterations in the draught of the Charter, though the alterations should not be found in your hand writing. Now I ask whether you do not think you was exonerated from that responsibility, from the moment you laid the draught of that Charter before the Attorney and Solicitor-General, and had their approbation of it?

A. I certainly shall be very glad to share any criminality with the then Attorney and Solicitor-General.

Q. In what year was you appointed Auditor of Greenwich Hospital?

A. In March, 1771.

Q. Who did you succeed?

A. The present Lord Chancellor.

Q. What do you look upon to be your duty as Auditor of Greenwich Hospital?

A. To audit the accounts, after a manner prescribed by the constitution of Greenwich Hospital; there is a book recites that.

Q. Do you not, at your first appointment, look upon yourself as Council for Greenwich Hospital?

A. As that office always used to be filled by a Barrister, it was a mark of attention in appointing me, I then being a Barrister; when I discontinued being a Barrister, I gave up every paper respecting the Hospital.

Q. Was not you a Director at first?

A. I was, two or three months.

Q. How?

A. I was a Director by warrant.

Q. Are you now?

A. Yes.

Q. How?

A. *Ex officio*—Before I was personally Auditor, and personally Director; at present, I am Auditor and *ex officio* Director: if I cease to be Auditor, I cease to be Director, before I had warrants by name from the Admiralty.

Q. Who laid the new Charter before the Attorney and Solicitor-General, or by whose directions was it laid before them?

A. I fancy it was by the direction of the Board. If the Minutes of the Board are called for, I fancy it will be found, that the draught of the Charter being produced, it was ordered to be laid before the Attorney and Solicitor-General.

Q. Whether there was any particular opinion, stated in writing, to the Attorney and Solicitor-General, or the copy of the Commission laid before the Attorney and Solicitor-General to be compared. Was any opinion asked?

A. The Charter recites that Commission; I apprehend the Commission was laid before them; but if not, I take it for granted, the Attorney and Solicitor-General must have examined it at the time, because it is recited in the draught of the Charter.

Q. Then no particular opinion was desired of any particular fact?

A. No; I apprehend all that was done, was giving this paper to their clerks, which is a draught of the Charter, and which they have signed at the bottom, after making any alterations that they had thought necessary.

Q. How

Q. How long was the Charter laid before the Attorney and Solicitor-General, before it was returned to you?

A. It was never to be returned to me; I was not the Solicitor for the Charter, it was laid before me in the same manner as it was laid before them. When I quitted the Bar, I gave back my brief, and they having other occupations, I believe did not give it back till March, 1773; I know that, as a Director of the Hospital, I believe it was returned by them in the Spring following; then several difficulties and delays arose; I believe, about the *quantum* of security to be given by persons having the Hospital's money; that carried it on, I believe, till the end of the year 1775, before the whole business was arranged and settled.

Q. You say, you are answerable for all that is left out. In the appointment, *in and for Greenwich Hospital to be seafaring men*, why was the word *for* left out?

A. I did not know that it was left out, I don't know now that it is left out.

Q. All the Officers of the House, or otherwise, to be seafaring men, why are the words *or otherwise* left out?

A. I should rather venture to risk the saying, it was not inserted in any draught that was laid before me; I will venture to say, I should not have put it into any draught, and will venture to say, I should not have struck it out. I forgot to mention there was an Act of Parliament passed, in regard to the landed estate, a year after this Charter, which takes notice of the Charter.

Q. I understood you, that the motives of the new Charter was to vest the landed estates, and give a power to buy and sell landed estates.

A. No, by no means, the great motives of the new Charter were, to enable the Hospital to act in all those capacities that it was necessary a Corporation should act in; because, it was before necessary to make every Member of the Hospital a party in civil suits. Another great motive was, to give the Hospital a security for their money. Another was the case of the boys.

Q. The other alterations of the Charter were made by the Solicitor, which you did not attend to?

A. I cannot quite say so, because my own hand is before the House and may prove against me, but I rather believe it is so.

Q. Was the Charter confirmed by Act of Parliament?

A. Not strictly; but there is an Act to vest the estates, which were prior to the Charter, and by Charter were strictly vested by two Acts of George the Second. There is an Act, a year after this Charter, which vests them out of the King into the Commissioners, pursuant to Charter, and which recites this Charter at that time.

Q. It appears, by the Records, that this matter of Charter had been in agitation several times formerly?

A. I believe from the beginning of the century. I believe there are draughts of Charters as old as 1720, but all that time the Hospital was in a fluctuating, unsettled body, and rather pressed for supports, and not in the magnitude that I found it.

Q. You take that to be the reason, when draughts were made, that the Hospital's revenues were not sufficient?

A. I believe, when the Hospital grew to this magnitude, that the necessity of getting a Charter was felt; and it was a work of some time, and great trouble, to get it through the several Offices.

Q. What part of the establishment of Greenwich Hospital do you mean, that has not been settled till within this two or three years?

A. I believe additional Captains and Lieutenants, and men, and many Officers to attend those men. All the business of the management of the Derwentwater Estate is a very modern story, and was never settled, in the manner it is now, till 1749.

[Mr. Eden withdrew.]

Mr. SIBTHORPE called in, late Solicitor to the Hospital.

Q. Please to give an account to the Committee of what you know relative to the new Charter of Greenwich Hospital?

A. About the beginning of the year 1772 or 73, I am not quite positive as to the time this circumstance happened in the Hospital, I was at that time, with Mr. Everest, joint Solicitor of the Hospital; Lieutenant-Governor Boys, when I was attending at the Board, I believe it was March 1772, Lieutenant-Governor Boys was in the Chair, at the head of the Board, the Solicitor was ordered to be called in, and I went in.

Q. What Board?

A. The Board of Directors of Greenwich Hospital, at the Hospital. The Lieutenant-Governor said to me, Mr. Ellis, Sir, is gone away with the Hospital's money. I said I had heard so. Then, Sir, said he, you must contrive to get it. I said I thought that was impossible, as the Hospital was then circumstanced; I asked Mr. Boys how it was to be done. Sir, said he, it must be done. I answered, that might be very well in his idea, but it was not possible, in my opinion; for that there seemed to be no mode of getting at this money, but by filing a Bill or Information, in the name of the Attorney-General, at the relation of the Governor of the Hospital, against Mr. Ellis for an account, and that before that business could be got to perfection, Mr. Ellis would be gone. There did not appear to me to be any shorter way, as no person whatever could possibly swear that Mr. Ellis was indebted to him, or to a rope of sand, for so I called the Hospital, at that time, it not being incorporated. I was then directed, as Solicitor, with Mr. Everest, to take the opinion of Mr. Eden, and I believe too of the Attorney-General, as to the proper mode of proceeding against Ellis. Some of the Directors seemed to be struck with what I said, and thought it might be necessary to have, further powers vested in them, and that there should be a Charter, and that gave rise to this Charter in a very short time after, perhaps even at the same Board; but, in a very short time after, the Board of Directors came to a resolution that a Charter should be applied for in the common course of business. When the minutes were brought to the Solicitor, the business was set about; Mr. Everest drew the first draught and brought it to me, he having, I believe, under my directions, applied for and got the Charter for incorporating the Foundling Hospital; and took that, in some degree, as a mode for the words; of course, after he had made his first draught, he brought that draught to me, in which I made several alterations, and after I had made those alterations, that draught was copied and laid before Mr. Eden: Mr. Eden, I think, I am pretty sure too, made some small alterations in the draught so laid before him; and also drew out a paper in which he prescribed other alterations, and, in pursuance of which direction from Mr. Eden, I did, in that draught, make more alterations than I had in the former draught; my Lords. The matters being in that state, Mr. Eden returned the draught, and said, that he thought it was a proper draught; and then, I take it, that the draught itself was copied and laid before the then Attorney-General, another copy was made for the Solicitor-General, and a third copy for Mr. Eden, with intent that they should meet together in consultation, and settle the Charter as it ought to be. After the business was got into that stage, there was a meeting between the then Attorney and Solicitor-General, and Mr. Eden, at which I was present. I think, and am pretty certain too, though I have not had any connection with the Hospital for about three years past, therefore if I err it may be easily allowed me, that there were some alterations made in the copy, which Mr. Wedderburne had as his copy; there was a direction also at the bottom of one of these copies, signed

ed by the then Attorney-General, and Mr. Wedderburne, directing the security clause to be added to it; that clause was also drawn, and they approved it. In the course of this business the Charter, or draught of the Charter at least, was laid before the Board of Directors, I think more than once; it was, towards the close of the business, laid before the General Court, and it was at that time, and I believe the only time, that I was ever called into the General Court to be asked a question respecting that Charter. I had expressed my doubts what the title of the Hospital should be; I thought the word Commissioner was not a proper one, because it was a Charter, and not a Commission: I thought the word Governor not a very proper one, there being another Governor, or a particular Officer called a Governor: I thought the word Guardian, which I believe is part of the title of Foundling Hospital, an improper thing. Having signified these doubts, I was called into a General Court of Admiralty, at the head of which Board Lord Sandwich was, and having been asked, I am not sure by whom, I think Mr. Stephens, what I had to say respecting the title? I made nearly the same observations then that I have now. Lord Sandwich said, it did not seem to signify one farthing what they were called, so that they were incorporated by some title, upon which I withdrew. These are the general outlines of what I have had to do, in respect of this Charter. It was my duty, after the business had been gone through at the Admiralty, being older and having had more experience than Mr. Everest, to conduct the matter, more especially as I lived in town and he at Greenwich, and I prosecuted the Charter till it got under the Great Seal; and, I think, the first Saturday, or perhaps the second, in December, 1775, I carried the Charter to the Hospital, and thought that I had done the most noble act that I should ever do, if I lived an hundred years.

Q. Whether you recollect which were the alterations that were made by yourself, before it was sent to the Attorney and Solicitor-General, and Mr. Eden, and which were made by those Gentlemen afterwards?

A. I cannot say as to the purport of them now, if I had the papers, I believe I could point them out.

Q. Are they the papers which are before the House?

A. I believe they are.

(Some papers shewn the witness.)

This is the draught as first prepared by Mr. Everest, and brought by him to me; the alterations made are in my hand writing, and are numerous.

Q. I don't mean to give you the trouble of mentioning every verbal alteration you have made, but to particular points; the first is, the omitting the power to the General Court, and giving it to the Admiralty; the second, the power of removal in the Admiralty; the third, the appropriation of these monies for the uses of the Hospital; the fourth is, the power of selling?

A. As to one of these questions, the words of this first draught, as it originally stood, were those, And that the said Governor, and Deputy-Governor, and the Treasurer now and for the time being, do assist, at all meetings, the said Commissioners and Governors, or the Directors, of the said Hospital hereafter mentioned; and we do hereby empower our said Commissioners, or any seven or more of them, to recommend to our Commissioner for executing the Office of High Admiral, now and for the time being, our High Admiral, for the time being, or as they may be, to appoint, from time to time, all Officers necessary to be employed in and for the said Hospital. These words were in this draught, when Mr. Everest first drew it and brought it to me.

Q. Is the word *accordingly* there?

A. No, I altered it in this way, And we do hereby empower the Members of this Corporation, or any seven or more of them, so assembled in a General Court, to recommend to our High Admiral, for the time being, or our Commissioners for executing the

Office of High Admiral, now and for the time being, to appoint, from time to time, all Officers necessary to be employed in and for the said Hospital. And it appears by this draught, that upon reconsidering that clause, I struck it wholly out.

Q. Will you be pleased to recollect, whether it was of your own motion, or from instructions from any body else, that you did strike that clause out?

A. It was either from my own motion, or conjunction with Mr. Everest, in considering the matter again, and not from any person whatever, except himself and me, that that alteration was made so.

Q. What might be your reason for striking of that out?

A. I cannot possibly say what my reason was, but I am well convinced in my mind, that at the time I did it, I had good reason for so doing; for I had no wish whatever to do any thing but prepare such a Charter as should be for the benefit of the Hospital, in all its parts, as far as my judgment should extend.

Q. Do you recollect any abuse that had been made, by that power in the General Court, that made you think it necessary to strike it out?

A. I have endeavoured a great deal to recollect since what I heard passed from Mr. Eden, that there was any such power practised by the General Court, but during the time I had the management of the business of the Hospital, General Courts were very unfrequent; four, five, even to nine months have elapsed, from one General Court to another.

Q. Had you any information from any body, that the General Court had not made use of that power?

A. Not that I know of.

Q. Upon what ground do you say they had not made use of it?

A. I don't say they had not, but that I did not know they had. I had nothing to do with the appointment of Officers.

Q. Had you any reason to think that they had not made use of that power?

A. I rather think I had no particular reason, more than that the General Courts were held so seldom, there seemed no necessity to continue that power; that it might be injurious to the Hospital, if the Officers should be delayed nine or ten months.

Q. Was there not a power for the Admiralty to call General Courts when they thought proper.

A. I do not recollect that, I have not seen the Commission these three years.

Q. The other alterations were the additional power given of a displacing or removal?

A. That was an alteration in pursuance of Mr. Eden's direction, this draught having been copied from my alterations by my son; this is that copy. Mr. Eden when he looked through it, has made marks in the margin; and upon loose paper, gave his thoughts respecting what alterations should be made in such and such places; he has also made several other trivial alterations in the draught as he goes on; in this draft, folio seven, there is something which I am well convinced in my mind is Mr. Eden's; and these words are underlined, after the words except the Governors and Treasurer of the said Hospital, provided that all such persons to be admitted into the said Hospital, as the Officers of the House, or otherwise be sea faring men, or such who have lost their limbs, down to the words, or otherwise, are underlined; and in consequence this alteration was made, except the Governor and Treasurer thereof, and to displace, remove or suspend any such Officer or Officers for his or their misbehaviour, and to appoint any such Officer or Officers in the room of him and them so displaced or removed, provided that all such Officers to be employed in the said Office are seafaring men. These words are my writing, in pursuance of Mr. Eden's directions.

Q. Do you know what were the reasons in Mr. Eden's directions, for leaving out the words or otherwise?

A. That

A. That will appear I believe upon that paper of Mr. Eden's writing.

(The Paper read.)

Q. In the power given to vacate the Offices, and to alter the salaries, that is all upon a representation of the General Court upon Mr. Eden's plan, how came it to be different from that in the Charter?

A. I have no doubt, but these words as they stand in this draught so inserted, were shewn to Mr. Eden after they were so inserted, and that he approved them, the words are these: "And we do hereby authorize and empower our High Admiral for the time being, and Commissioners, &c. to appoint all Officers necessary to be employed in, and for the said Hospital, except the Governor and Treasurer thereof, and to displace, &c."

Q. With regard to the other two alterations, the leaving out these words in the Charter, that say, all monies shall be applied strictly to the use of the said Hospital.

A. I believe they were left out, as being thought wholly unnecessary, for the inserting them would have no kind of effect, more than the law would have on those who took the money.

Q. And the power of selling, who put that in?

A. I look upon it so much as I know of Charters, that the Charter would be incomplete, unless such a power were inserted, though perhaps it would not be effectual to enable the Corporation to sell.

Q. What I want, is to know who was the person that inserted that, and was it in the original draught, as sent to you by Mr. Everest?

A. They were in the first draught.

Q. So that they are inserted by Mr. Everest originally?

A. Yes.

Q. Has there always been a joint Solicitor, or was it peculiar to that time?

A. I have heard the Mr. Radley, and Mr. Everest's father were joint, but I don't know it of my own knowledge; I did not know Mr. Radley.

Q. The powers, as I understand you, for framing this new Charter, were not given you at a General Court, but by Lieutenant-General Boys, at a Court of Directors.

A. No, by the Minute of the Board, not by the directions of any one man; I think the Minute of the Board of Directors, but I am not sure whether it was that, or the Minute of a General Court; I rather think the Minute of a Board of Directors.

Q. Where was it held?

A. The General Court always at the Admiralty, the Board of Directors is held generally, but not universally, at Greenwich, or Salters Hall.

Q. Then you can certainly recollect, whether your power came from the General Court, or Board of Directors?

A. I cannot say that.

Q. Had you powers in writing?

A. We had, for we never did any thing without power in writing.

Q. Signed by whom.

A. The Secretary.

Q. Who is that?

A. Mr. Ibbetson.

Q. Where is that?

A. I delivered it, with all the papers I had respecting Greenwich Hospital, when I quitted London about three years ago.

Q. Can you recollect what the powers were?

A. To prepare a Charter, under the direction of Mr. Eden, as I think, and am pretty sure too.

Q. Without particularizing the alterations that were to be made in it?

A. Without describing any alterations at all.

Q. Do you apprehend, that a Board of Directors, without consulting a General Court, have a power to order new Charters to be made out, of their own accord?

A. I think that they might have that power, but am not sure which it was, the General Courts Mi-

nute, or the Directors Minute; I am not sure, but the Minute will speak for itself.

Q. And where are these Minutes?

A. The original in the hands of the Secretary, Mr. Ibbetson; the copy came to me.

Q. You have mentioned what Lord Sandwich said to you at the Board, that it did not signify under what name, provided they were incorporated. I will ask you whether you had any other conversation with Lord Sandwich, relative to the Charter, and whether he ever gave you any directions relative to it, except that time?

A. I had never any conversation with him I think upon any subject, and never any directions from him of any sort whatever, except what I mentioned.

Q. Whether in the number of years, that you belonged to Greenwich Hospital, previous to the Charter being granted, you ever knew of one instance of the General Court recommending any officer?

A. No.

Q. How many years have you been acquainted with the office?

A. I was first concerned as agent for Mr. Everest's father, about the year 1756.

Q. You must explain that if you please; you said, that you never knew that the General Court had recommended Officers to the Board of Admiralty, to be appointed for Greenwich Hospital. Have you said that?

A. I have said so.

Q. Had such a thing happened, must you have been acquainted with it?

A. It does not follow that I should.

Q. Did you attend the General Court?

A. Yes.

Q. Where?

A. At the Admiralty, they were never held any where else, as I know of.

Q. Why were the General Courts reduced to twice a year instead of four times; for by the Commission, they are to be held four times a year, and oftner if the Admiralty Board called them; why was that alteration made?

A. I cannot take upon me to say that.

Q. Can you take upon you to say, who made that alteration?

A. I cannot without having recourse to the papers.

Q. Whether you carried the draught of this new Charter to the consultation alluded to, of the Attorney and Solicitor-General?

A. The copies were either carried by me or Mr. Everest, or one or other of my clerks, but to say which at this time, I cannot; I did attend the consultation.

Q. At that consultation, did you point out to the Attorney and Solicitor-General, the alterations made in the draught of the new Charter, from what was in the old Commission?

A. The Attorney-General was in possession of a Commission; he had been Auditor, and as such, doubtless had a Commission, and I think I remember to have seen it in his custody bound in red leather; the Solicitor-General, I have no doubt, had a Commission, Mr. Eden, as an Auditor, could not have executed his office properly without one; I therefore conclude he had one, but to say that I pointed out the difference between the Commission and the Charter, I cannot.

Q. Do you remember that it was a subject of the consultation, whether those alterations were proper to be adopted in the new Charter or not?

A. I don't know that, Mr. Wedderburne did make some alterations at the consultations in the form, and the then Attorney and Solicitor-General did subscribe one copy, and I think the writing itself is of Mr. Wedderburne's writing.

Q. Then you know, from these circumstances, that they were fully aware that these alterations were made in the new Charter?

A. I

A. I cannot take upon me to say, that the Attorney and Solicitor-General, or either of them, did compare the Charter with the Commission. Some short time before the Charter passed the Seal, the then Attorney-General requested to see the old Commission; he desired to see those Commissions which had been granted by former Princes, and they were carried to his house in Ormond-street; after the Charter was compleated, I fetched them from thence.

Q. It was not a matter that you heard discussed at the consultation?

A. The principal matter that was discussed at the consultation, was respecting the security that should be given by those that had the receipt, or expenditure, of the Hospital money.

Q. When I speak of the alterations, I allude to the four particular points that have been stated to you?

A. I don't think they were particularly attended to at that time.

Q. How long was this consultation before the Charter passed the Seal?

A. The paper will shew you, because there is the signature of the then Attorney and Solicitor-General, with the date to it, as I think.

Q. You don't recollect?

A. No, but dare say the paper will tell you, because, I dare say, there was a date to it.

[Mr. Sibthorpe withdrew.]

Mr. IBBETSON called in.

Q. How long have you been concerned in Greenwich Hospital?

A. Seventeen years, next May, I have been appointed Secretary to Greenwich Hospital?

Q. What has been the practice of the General Court, with respect to recommendations to Offices?

A. I am very certain that there has not been, in one instance, not only since I have been Secretary of Greenwich Hospital, but since I have been in the Admiralty, which is twenty-four years, the General Court having recommended to the Admiralty, any one Officer to be appointed into Greenwich Hospital.

Q. Do you recollect, from any documents that you have in your possession, whether there ever were any recommendations, from the first institution of the Hospital?

A. I believe there was; I believe it will appear, upon examining the books of Greenwich Hospital, that, for some few years after its first establishment, I think that I have seen that the General Court did recommend to the Admiralty; but I believe it has been disused for a great many years, I can speak positively for twenty-four years.

Q. Can you turn at all to these instances that appear in the books?

A. I have them not here, I can refer your Lordships to them another day, if this business shall take up another day.

Q. What books are they in?

A. It will appear, by the Minute-book of the General Court?

Q. Can you say, from your memory, for how low down they did recommend?

A. I cannot, and should be sorry to speak to any thing I cannot be certain to, before this House.

Q. Do you know whether those recommendations were accepted?

A. I cannot speak to that, my recollection only goes, I am certain I have seen, in the Minute-books of Greenwich Hospital, that the General Court have recommended.

Q. But you don't know whether they were accepted or not?

A. I cannot speak to that.

Q. Whether they were additional ones that were recommended, or otherwise?

A. I cannot say, I will inform myself more particularly.

Q. Whether you was not concerned in Greenwich Hospital, when there was a particular full General Court, summoned at the time Lord Egmont was at the head of the Admiralty, for the purpose of appointing somebody to receive some revenues of the Hospital?

A. I remember that perfectly well.

Q. Was it at that General Court, that that Receiver was appointed?

A. It was at that General Court, for the appointment of a Receiver, and at which General Court Mr. Smeaton was appointed; there were two candidates for the place, a Mr. Roddam, a brother of Admiral Roddam, was one; and a Mr. Mattison, or Maddison, the other; they were both recommended, in a very extraordinary manner, by several people of great interest and consequence; they came to me, particularly the present Admiral Roddam told me, there were several of the Commissioners, and Governors of Greenwich Hospital, that had told him they would attend at that General Court, and give their votes for his brother, provided they could have notice when that General Court met. If there was any harm in summoning that General Court, I must take it upon myself; I did not receive any particular directions from the Admiralty about it, but it came to me in such a way, that I thought if I had not done it, I should be liable to censure, when any Noble Lord, that was a Governor of Greenwich Hospital, expressed a wish to come to a General Court, if he had notice of it; I thought it my duty, I think so still, to give him that information, and accordingly I summoned, I believe, almost every one in the Commission, except the Princes of the Blood, them I did not, as I said before, think myself authorised to trouble upon the occasion.

Q. You misunderstood me, if you thought I pointed at any blame upon you, for, on the contrary, I think you did perfectly right upon the occasion; I only wanted to come at this piece of information, whether, when these different candidates came before the General Court, and which you saw good reason for thinking ought to have great care taken that it was filled, whether it was the first Lord of the Admiralty, or Board of Admiralty, or General Court, that appointed that Receiver?

A. The General Court appointed this Receiver; they have always appointed the Receiver.

Q. I beg you will explain one matter; with regard to the summons to the General Court, do you mean to assert, that you had no directions whatever from the Admiralty Board respecting the affair, the choice of Mr. Smeaton, no kind of directions what summons to give out, except your own discretion?

A. I do assert, positively, that I received no directions from the Board of Admiralty, that the summonses that went out upon that occasion, were printed summonses, in the usual form of summoning, that I sent to the Great Officers of State, and every person in the Commission. Mr. Smeaton was not a candidate at that time; he was proposed at the General Court, and carried it, in preference to the two that had made so much interest?

[Mr. Ibbetson withdrew.]

Mr. MAULE called in.

(A list shewn the Witness.)

Q. Did you deliver that list into this House?

A. I did.

Q. What is that list?

A. This list I prepared, in consequence of an order which was sent me from this House by the Admiralty.

Q. What Office do you hold in Greenwich Hospital?

A. Clerk of the Cheque.

Q. What is that a list of?

A. All under Officers, &c. &c. who are lodged in Greenwich Hospital, distinguishing which of them have been

been at sea, or are widows of persons who have served at sea.

(Another list shown the Witness.)

A. This is a list of all the Officers, under Officers, and servants, that are lodged in the Hospital.

Q. Who is the first person upon that list?

A. Sir Charles Hardy, the Governor, the next is Jervis Maplesden, the Lieutenant-Governor.

Q. Who is the next?

A. Alexander Hood, Esquire, the Treasurer.

Q. What is the next title?

A. The Captain's and Lieutenant's, the Physician's name is James Hossack.

Q. You have put down to these names those that have been at sea, and those that have not been at sea, from whence did you take that account of their having or not been at sea?

A. So far as I have been able to collect, several I have known myself to have been at sea, having been myself at sea.

Q. Have you examined the books at the Navy Office?

A. No, I have not.

Q. Then have you no other rule to go by, than common report?

A. No other than from many old people in the Hospital?

Q. Who is the first you mentioned, the Physician?

A. Dr. Cockburn.

Q. How is he set down in your list?

A. To have been at sea.

Q. When was he at sea?

A. I knew him very well, and I have heard him often say, he had been at sea himself.

Q. You take upon you to say he has been at sea?

A. I do.

Q. Have you been at sea yourself?

A. Many years.

Q. And have known him at sea?

A. No, but I have heard him say so, very frequently. The next is James Hossack.

Q. Has he been at sea?

A. I believe he has; he is in the House, he can answer for himself.

Q. Do you know from your own knowledge?

A. I know that he has been a Sea-Surgeon many years. The next are the Secretaries, as they stand upon this list.

Q. Who is the present Secretary?

A. Mr. Ibbetson.

Q. Has he been at sea?

A. I cannot say that he has.

Q. Do you think he has?

A. I know he has been Purser of a ship many years, but whether he has been to sea or no, I cannot take upon me to say.

Q. How long may he have been Purser?

A. I cannot say that, I know he had a seventy-four gun ship in the last war.

Q. Then I collect from you, that Mr. Ibbetson has not been at sea?

A. I don't know that he has.

Q. Who did Mr. Ibbetson succeed?

A. Mr. Mills.

Q. Had he ever been at sea?

A. I never could learn that he had.

Q. Who did he succeed?

A. Mr. Stephens.

Q. Had he been at sea?

A. Mr. Stephens was at sea with Lord Anson.

Q. Who preceded Mr. Stephens?

A. Danes Barrington.

Q. Had he been at sea?

A. Not that I know of.

Q. Had William Corbett been at sea?

A. It is John Corbett, he had not been at sea that I know of; Thomas Corbett preceded him, he had been at sea.

Q. Please to go on to the next?

A. The next is the Steward.

Q. Who is the present Steward?

A. Mr. Godby.

Q. Has he been at sea?

A. Not that I ever heard of.

Q. Who did he succeed?

A. Mr. Izard.

Q. Had he been at sea?

A. No, never.

Q. Who did Mr. Izard succeed?

A. Mr. Ellis; he was purser of the Royal George several years in last war.

Q. Who did Mr. Ellis succeed?

A. Mr. Bell, he had been at sea, but whether or no when he was appointed to the Hospital, I cannot say; but I heard he begged leave of the Directors of the Hospital and the Admiralty to go to sea with Sir John Norris, but I believe that was after he was in the Hospital.

Q. Who is the next upon the list?

A. The clerks stand next; as to the clerks to the Steward, I don't find that any one of them ever have been at sea.

Q. What are their names?

A. Stephen Stonestreet, John Smith, Thomas Burbeck, and Daniel Ball.

Q. Have any of them been at sea?

A. Not that I know of.

Q. Have you any of their predecessors in your books?

A. No, these are the oldest that stand in our books, that resided in the Hospital, for that is comprehended in the order I received from the House; before this time none lodged in the Hospital.

Q. Not before Mr. Godby's clerk?

A. Mr. Ball was not the first of the Steward's clerks.

Q. Was the Steward's head clerk lodged in the Hospital before Mr. Godby lodged there?

A. He was; Mr. Stonestreet was the first that I find lodged in the Hospital, which was in the year 1726; they were all landmen, I knew them all.

Q. Who was the next person?

A. The next that stands upon the list are the Surgeons.

Q. Who were they?

A. The present one is Mr. Taylor, he has been at sea to my knowledge; Mr. Denham was prior to him, he has been at sea to my knowledge, so were John Holding, Henry Tom, and Charles Allen. The next are the Clerks of the Cheque.

Q. You are the Clerk of the Cheque at present, you have been at sea?

A. I have, I succeeded my father, he had been at sea also; the first in the list was Edward Smith, who had been a Lieutenant in the navy; there have been only four of the Clerks of the Cheque lodged in the Hospital, they have all of them been at sea.

Q. Who were their predecessors?

A. Those were the first that had ever been lodged in the Hospital.

Q. Who appoints the Clerks to the Clerk of the Cheque?

A. The Clerk of the Cheque himself; the next are Chaplains.

Q. Who are the present Chaplains?

A. John Cook and John Maule.

Q. Have they been at sea?

A. Neither of them that ever I heard.

Q. Who did they succeed?

A. David Cambell was prior to Mr. Cooke, Nicholas Tindall, Thomas Pocock, Robert Berry, and Philip Stubbs.

Q. Who did Rev. John Cook succeed to?

A. Mr. Tindal.

Q. Had Tindal been at sea?

A. He had.

Q. Who did Rev. Maule succeed to?

A. Mr. Cambell.

Q. Had he been at sea?

A. He had, from what I can understand from the Navy Board, about five or six months, and he ran away

away from the ship; by some interest at the Admiralty he got his R taken off, and received that five or six months pay; that is all the service he had.

Q. Who was at the head of the Admiralty when Mr. Cambell was appointed Chaplain?

A. I don't know, but it was in January 1744-5.

Q. Who did Mr. Tindall succeed?

A. Mr. Pocock, who had been at sea.

Q. Who did Mr. Pocock succeed?

A. Mr. Berry, who succeeded Mr. Stubbs.

Q. Had Mr. Stubbs been at sea?

A. Never, I believe; his son is here, who can speak to that.

Q. Mr. Stubbs was the first Chaplain that was ever appointed?

A. Yes, the first that appears by the Hospital books.

Q. Who is next upon the list?

A. The Auditors.

Q. Who is the present Auditor?

A. Mr. Eden.

Q. Was he ever at sea?

A. Not that I ever heard.

Q. Who did Mr. Eden succeed?

A. Mr. Thurlowe.

Q. Was he ever at sea?

A. Not that I ever heard.

Q. Who did he succeed?

A. Mr. Hufsey.

Q. Had he ever been at sea?

A. Not that I ever heard.

Q. Who did he succeed?

A. Mr. Jarvis.

Q. Was he ever at sea?

A. Never a one of them as I ever heard.

Q. What is the business of the Auditor?

A. After the accounts pass through the Clerk of the Cheque's inspection, they are delivered to the Board of Directors, from whence they are delivered over to the Auditor, and by him audited; and all such accounts as are ready are declared twice a year before the Chancellor of the Exchequer.

Q. Are you acquainted with the nature of auditing them?

A. Yes, I have seen many of them audited.

Q. Is there any thing in passing of these accounts, that could not be done by a Purser?

A. There is no great difficulty in it.

Q. Do you think that there is any thing in that, that an ingenious clever man, who has been a Purser to a man of war, might not be able to do it?

A. No, I think not.

Q. Who is next upon the list?

A. The Governor's Clerk.

Q. What is his name?

A. The present Governor's Clerk is not the person set down here; he has not lodged in the Hospital; at present, the only person here is William Pagett, who was Secretary to Sir George Rodney, in the West-Indies.

Q. Has the present Governor's Clerk been at sea?

A. I believe not.

Q. What is his name?

A. Pansford.

Q. He is Clerk of the Council?

A. That is by virtue of his being the Governor's Secretary.

Q. You think he has not been at sea?

A. No, I have heard he has been an Officer of Horse.

Q. What has been his particular duty?

A. I apprehend the particular duty of the Secretary to the Governor, is to carry all correspondence that he may have with the Admiralty, and to attend at the Councils of the Hospital, and that has been for many years seldom or ever acted by the principal, it always has been by deputation.

Q. Then Mr. Pansford has not attended at the Council?

A. I believe not.

Q. Did you ever see him there?

A. Never.

Q. And how many years have you been in the Hospital attending the Council?

A. I don't attend the Council.

Q. How many years have you been in the Hospital?

A. From my childhood.

Q. Did you ever see him in the Hospital?

A. Yes, at Sir Charles Hardy's house, and have dined with him there, but have not seen him upon duty.

Q. What is your rule in regard to checking people that are absent?

A. The men are mustered every day, and checked all those out of their provisions that are not present.

Q. By whom is the Governor's Clerk appointed?

A. By the Governor.

Q. Does there appear to you to be any thing in the duty of Clerk of the Council, that could not be done by a person having been at sea?

A. The duty is very easy it is nothing more; than the little dirty complaints of the men getting drunk, and all that is his principal business.

Q. Who is the next?

A. The Secretary's Clerk.

Q. Who is he?

A. The present one is Mr. Francis Cook.

Q. Is he a landman, or has he been at sea? or is he in the Hospital?

A. A landman, and in the Hospital.

Q. Who did he succeed?

A. Mr. Richard Horne.

Q. What was he? and was he lodged in the Hospital?

A. Mr. Horne had never been at sea, so far as I could learn, nor lodged in the Hospital.

Q. Have you any other before him that had been at sea?

A. Not that I could ever learn.

Q. Who are the next?

A. The Dispensers, there have been only two of them, the present one has never been at sea.

Q. What is his name?

A. John Pocock.

Q. What is his employment?

A. He is the Dispenser of medicines, the immediate instrument under the Physician, who prepares and compounds all the medicines.

Q. Is there any thing in his business, that might not be done by a Surgeon in the navy?

A. I apprehend not.

Q. Who is the next person?

A. The Brewers, Stephen Coleman; Hickman is the present.

Q. Was he ever at sea?

A. No, nor any of his predecessors.

Q. What is Mr. Hickman?

A. So far as I know of him, he was an officer in the army; he had a fortune of his own; he quitted the army, and married a young Lady at Greenwich; he went into the brewing business; he continued that six or seven years, and failed twice.

Q. And then he was appointed brewer to Greenwich Hospital?

A. After some time.

Q. As far as you know of that business, do you think that a man that had been at sea, and had not failed, might not have been as good a brewer as Mr. Hickman?

A. I cannot be a judge of that.

Q. Do you know any thing to the contrary?

A. No.

Q. Is he a good brewer?

A. We have never had one complaint as I know of, since he has been brewer to the Hospital.

Q. How long has he been brewer to the Hospital?

A. He was appointed in August, 1777.

Q. How long is it ago that he failed?

A. A year or two before that, I believe.

Q. Please to go on to the next?

A. The

A. The next are the Matrons; the present ones are Sarah Smith, Mary Birt, and Eleanor Power.

Q. Are either of them the wives or widows of seamen?

A. Sarah Smith is the widow of a late Captain in the Hospital; the other two are said to be unmarried.

Q. Are they daughters of persons that have been at sea?

A. One of them, I heard, was sister to a Lieutenant, that Lord Hawke made some time ago; he was drowned, and left his family in great distress. Lord Hawke put her in as a Matron.

Q. Had she any employment in Lord Hawke's family, before she was sent to Greenwich Hospital?

A. Not that I know of.

Q. Had any of those Matrons any employment in my Lord Sandwich's family?

A. Lord Sandwich was not at the Board of Admiralty when any of those Matrons were appointed.

Q. Who was at the head of the Admiralty when they were appointed?

A. Mrs. Power was put in, I have heard, by Lord Egmont; the other two by Lord Hawke.

Q. Do you find any before them that have been widows or wives of sailors?

A. Mary Chamberlain, who was before Mrs. Power, was a Captain's widow; Ellis Gregory was a Captain's widow; Elizabeth Smith was a Lieutenant's widow; the three first, I cannot learn what they were.

Q. As far as you have been able to learn any thing about them, they have always, till now, been widows of seamen?

A. Yes, widows of seamen.

Q. I would ask, whether you think the being waiting women; we will say to either Lord Anson, or Lord Hawke's Lady, or the Lady of any others, that have been at the head of the Admiralty, entitles them to be put into the Hospital as Matrons or Nurses, or in any capacity in the Hospital?

A. Certainly not.

Q. Go on to the next?

A. They are the Butlers; the present one is William Seward, who has been at sea.

Q. When was he appointed?

A. On the 25th of February, 1772.

Q. Had he been at sea before his appointment, or afterwards?

A. Before his appointment, he was Clerk of one of the yachts, and had been many voyages, I believe.

Q. The next?

A. The next is John Izard; he had not been at sea, as I could learn.

Q. Who was at the head of the Admiralty when the last Butler was appointed?

A. Lord Sandwich. The next are the Butler's Mates; the present ones are, James Skeene and Philip Lewis?

Q. Have they been at sea?

A. Skeene has never been at sea; Lewis, I have learned, within this day or two, was going with Sir Charles Wager, as his Steward, but never went out of the Channel; I received that information since the list was delivered in.

Q. Do you know any thing relative to their predecessors?

A. No, there are four of them; I have marked them, such as I have been able to collect, that the Butler's Mates have all been at sea; the two before that, John Watts and John Cheefe, I can learn nothing concerning them.

Q. Who was at the head of the Admiralty when the two Stewards and the two last Chaplains were appointed?

A. Lord Sandwich.

Q. Who appoints the Butler's Mates?

A. They are appointed by warrant from the Admiralty.

Q. Lord Sandwich. Don't you mistake? the Butler's Mates are not appointed by warrant from the Admiralty?

A. Yes, they are.

Q. Who are the next?

A. The Cooks.

Q. Who is your present Cook?

A. There are three, Alexander Moore, James Wartell, and Samuel Troke, now Wartell is dead.

Q. What is Troke?

A. He was at sea with my Lord Anson; Moore has not been at sea that I can learn.

Q. Who were their predecessors?

A. Henry White had been at sea; Thomas Cale; Thomas Bird, and William Wilson; the three prior to them, I cannot learn that they had ever been at sea.

Q. But from your not being able to learn, you don't conclude whether they have or not?

A. I have made the best enquiry that I could amongst the old persons in the Hospital.

Q. But those that you have not been able to learn any thing of, you don't from thence conclude they have been at sea or not?

A. No, the next are the Cook's Mates.

Q. Who are they?

A. The last that stands upon the list is Roger Hunt, who has not been at sea; John Mathews has been at sea; James Arundell has not been at sea; Moses Joice has not been at sea.

Q. Who were their predecessors?

A. There are seven or eight; some of them have been at sea, and some have not been at sea. The next are the Scullerymen; the present one is Nicholas Levitt; he has not been at sea.

Q. Who were his predecessors?

A. Randolph Norris, Edward Griffith, John Bardin, Thomas Cole, William Steel, and Francis Steward; none of them, as I can learn, have ever been at sea.

Q. What is their employment?

A. The scouring the pewter pots and dishes of the Pensioners.

Q. There is nothing in that, but what a man that has been to sea might do; is there?

A. No, the next are the Scullerymen's Mates; they are assistants to the others; the present ones are William Gardner, Robert Russell; neither of them have been at sea; preceding them, there were three others that had not been at sea; then Arthur Knight and Jacob Stranger have been at sea; those before them are William Silkworth and William Stalbert; who have not been at sea.

Q. Who are the next?

A. The porters of the Hospital; the present one is James Lane; he has never been at sea; John Willey is his predecessor; there are five of them never been at sea.

Q. What is the business of the porter?

A. He has a lodge at one of the gates of the Hospital.

Q. Is his business such that cannot be done by a seaman?

A. Certainly not; the Barbers are the next.

Q. Have any of them been at sea?

A. The present one is James Mackenefs, he had been at sea; he was, as I understood, Valet de Chambre to my Lord Anson.

Q. Have any of the rest of the barbers been at sea?

A. None of them.

Q. Is this Mackenefs a barber?

A. Yes.

Q. Is that a place of any profit?

A. A very considerable one.

Q. To the best of your knowledge, does he attend?

A. Never.

Q. It is a sinecure; is it?

A. Yes.

Q. The Barber employs others; he acts by deputy, does he not?

A. Yes.

Q. How many deputies does he employ?

A. Only

A. Only one principal man; but he has a hundred other shavers under him.

Q. What profit may he have for doing nothing at all?

A. I don't know—I should suppose that he has about 120l. or 130l. a year clear.

Q. Was not his employment of more value formerly?

A. I have understood some years ago, from some complaints of the pensioners not being duly shaved, that his deputy was paid something more in addition to his duty.

Q. How much salary has he from the Hospital?

A. Twelve pounds a year.

Q. What does his profit arise from?

A. He has so much—a halfpenny a week for all the men, and a penny for the boys.

Q. Who are the next?

A. The Messengers.

Q. Who are they?

A. The present one is William Herbert, he was at sea with Lord Hawke—The next are Treasurers Clerks, the present one is Edward Boxley, he has been at sea—The next is the Clerk of the Works.

Q. Who is he?

A. The present one is Robert Mylne.

Q. Has he been at sea?

A. Not that I know of.

Q. What is his particular business?

A. To carry on all such works and repairs as he may be directed to do, from the Board of Directors of the Hospital.

Q. Who was his predecessor?

A. William Robinson.

Q. What is he?

A. An Architect.

Q. Was he ever at sea?

A. No.

Q. Is this Clerk of the Works a permanent officer, or only a temporary one?

A. Formerly, the Clerk of the Works was only paid five shillings a day, while new works were carrying on; but now there are works always going on, his place is looked upon to be permanent.

Q. What is the next article?

A. The Dispenser's Assistant—the present one is William Wheatley, he has never been at sea.

Q. Is there but one Assistant?

A. Only one.

Q. Have his predecessors ever been at sea?

A. Never a one of them, to the amount of nine. The next article is Surgeon's Assistants, the present are Thomas Carnarvon, and David Stacy Story; neither of them have been at sea. William Wallace, and Francis Thomas, their predecessors, both had been at sea. The next article is the Turncock of the Hospital, Robert Dickey, he has never been at sea; there are but two before him; they had neither been at sea.

Q. What is the next article?

A. The whole list is gone through.

Q. Is there not a Schoolmaster?

A. Yes; there is.

Q. Is Mr. Furber the Schoolmaster?

A. Yes.

Q. Was he ever at sea?

A. Not to my knowledge; there are some gentlemen that say he has been at sea.

Q. Do you know any body that can speak to that point better than you?

A. Mr. Taylor, the Surgeon of the Hospital, says he has been at sea.

Q. The Steward's Clerk, Mr. Daniel Ball?

A. He is lodged in the House.

Q. Has he been at sea?

A. He does not stile himself in that light, he has been at sea a few months, but does not call himself a seafaring man.

Q. What do you mean by seafaring man?

A. I understand a man that has been borne on board a ship's books, and has actually been at sea.

Q. So you think this one has actually been at sea?

A. He has.

Q. He has made a voyage?

A. I cannot say that; I have heard him say he has been at sea, and borne on a ship's books.

Q. Do you apprehend that this person has been a voyage, and comes under the description of being any ways qualified to partake of this charity?

A. He is in the House, and can best answer for himself.

Q. To the best of your knowledge, do you know of any new offices that have been lately introduced into the Hospital, that were not known before; that there was no foundation for in any old Charter, or even in the new Charter, that there is any provision for?

A. I don't at present recollect any.

Q. If I was to ask you a question, would you be able then to answer? Do you recollect a Music-master in the Hospital, to instruct the boys in singing?

A. I know that the present Organist had an addition to his salary, for teaching the boys to sing; I don't know of any new office.

Q. What was the addition?

A. Twenty pounds a year?

Q. Was that addition made by the Admiralty, or General Court?

A. It was recommended by the General Court.

Q. Was there any direction given to that General Court, to the best of your knowledge, to name that person?

A. I don't know of any.

A. And you never heard?

A. No.

[Mr. Maule withdrew.]

Mr. STUBBS called in.

Q. Was your father the first Chaplain of Greenwich Hospital?

A. Yes.

Q. Had he ever been at sea?

A. No; he was always borne upon a ship in ordinary; he was Minister of Woolwich Hospital when he was first made.

Q. You say he was borne upon a ship in ordinary, so are the present Chaplains; you understood that he was Chaplain to the Ordinary at Woolwich?

A. Yes.

Q. Not borne upon a ship in ordinary?

A. Yes; his servant used to be mustered.

Q. Are not the present Chaplains borne on board a ship in ordinary?

A. I cannot tell that.

[Mr. Stubbs withdrew.]

Mr. MAULE called in again.

Q. Do you understand how the present Chaplains are borne as belonging to the ordinary?

A. By virtue of being Chaplains of Greenwich Hospital; one is entered upon the Hulk's Book, at Woolwich, the other at Deptford; the two present Chaplains are so, and it was so before.

Mr. STUBBS called in again.

Q. Was your father borne upon the ordinary before he was Chaplain?

A. Yes; he was made Chaplain of Greenwich Hospital, for being borne upon the books.

Q. Do they ever contribute to the charity, by being borne in ordinary to the Hospital?

A. That is a thing I cannot answer, it is so long ago.

Q. You are sure he never was at sea?

A. I can

A. I can say he never was at sea to go a voyage.
Q. Were those Chaplains, by being borne in ordinary, looked upon as belonging so to the Hospital, as to contribute any quota, which Chaplains have done who have been at sea, to the charity of the Hospital?

A. I don't believe that, I cannot account for that; I don't know.

Q. Your father was Chaplain to the Hospital?

A. Yes.

Q. How long ago?

A. In the year 1704 or 5.

Q. Upon the first establishment of the Hospital?

A. The very first of all.

Q. And was he looked upon as a Sea Chaplain when he was put into the Hospital?

A. I cannot account for that; the two first Chaplains were taken from the Ordinary.

Q. Taken from the Ordinary as Sea Chaplains?

A. Yes; one from Woolwich, and the other from Deptford.

Wednesday, the 17th of March, 1779.

Mr. IBBETSON, the Secretary, called in again.

Q. I think you was desired to make some search into what had been the practice of the Hospital, relative to the recommendation coming from the General Court to the Admiralty. Have you made any such researches?

A. I have.

Q. What is the result of them?

A. I have looked over the books from the commencement of the establishment of Greenwich Hospital to the present hour, with as much care as I have been able to do, in the short space of time; for I had turned them over page by page, that I might not miss any thing. The first thing I find that has any relation to this business, is a Memorial which appears in the books in November, 1704; there is neither the day of the month nor signature, but it is clearly in November; the Memorial is from the Commissioners to Prince George of Denmark, then Lord High Admiral, setting forth, that they had made preparations for one hundred men; that was the first hundred that was taken into the Hospital; that they had considered of the officers and servants necessary to be employed, and at the same time presenting his Highness a list of candidates for the respective offices, that his Royal Highness might appoint such as to him might seem meet: these are the words of the recommendation. In March, 1707-8, Edward Smith stands upon the Minutes of the General Court, as appointed Cook's Second Mate, upon the recommendation of the Directors and the Commissioners; and on the first of April I find entered into the books the Prince of Denmark's Warrant in form, appointing the same man. On the 5th of January, 1716, I find that the General Court recommended six persons (*naming them*) to the Board of Admiralty, for their approbation of either of them that they should think proper, if they should appear to their Lordships to be duly qualified; they were recommended for the Office of Secretary, in the room of Mr. Vendrick, deceased. On the 9th of December, 1716-17, the General Court recommended to the Admiralty Mr. Thomas Browne, to be appointed Master Brewer. On the 23d of the same month, they recommended a Lieutenant, Edward Smith, to the Lords of the Admiralty, to be appointed a Clerk of the Cheque, and in June, 1722, they recommended Mr. ———, to be the Master Brewer. I don't find any thing after that date.

Q. None since the year 1722?

A. None. I find many recommendations from the Admiralty to the General Courts, to desire that they will recommend a person, such as the Organist.

Q. How many books have you brought?

A. I have brought those books: They are what I have made these extracts from, and I brought the books that I might refer to them.

Q. Put marks in them, and let them be handed up to the table?

A. There are marks in them: there are papers which refer to the particular dates.

(The books and the papers were laid on the table.)

Q. You mention an instance of six recommended. One of those was appointed; was he not?

A. It was so.

Q. Was any one appointed, who was not included in the recommendation?

A. It will appear by the books, that the list of these people has been omitted to be entered at the bottom of the Memorial to the Prince: they have not entered the names of the several people then recommended.

Q. Does it not appear in any account of the Hospital, whether those persons were actually in the office afterwards?

A. It is impossible to know that, unless we knew the persons recommended, and there is no list of them.

[Mr. Ibbetson withdrew.]

Mr. MAULE called in again, Clerk of the Cheque.

Q. Whether from the list of different officers that have been appointed by warrant from the Admiralty, you have made any computation of the number that have been appointed since the present Lord has been at the head of the Admiralty?

A. I am preparing the list, I have not quite finished it, I shall soon have done it. His Grace the Duke of Richmond, ordered me to make such a list, a little before the House met; I immediately began to prepare it.

Q. With regard to those officers that are landmen, does it come within your knowledge that any of them have given any thing for their employment?

A. Not to my knowledge.

Q. Do you particularly know whether the Chaplains have made any allowance to the preceding Chaplains for coming into office?

A. I don't know farther than report; I cannot take it upon me to say it is so.

Q. Was not you in an office that received the pay, and did you always transmit that pay? What office was you in when these gentlemen were first appointed Chaplains?

A. I was Treasurer's Clerk.

Q. As such, did you pay the Chaplains?

A. Yes.

Q. Did you pay it to them or their predecessors?

A. I cannot take upon me to say that at present.

Q. Recollect.

A. I have often paid the salaries of different officers to their relations or friends, upon their signing the books of the Hospital; I don't recollect the case of the Chaplains at present; I have frequently paid the officers salaries to different people.

Q. Please to endeavour to recollect, whether you ever since the present Chaplains have been appointed, have paid any of their pay to the late Chaplains?

A. I believe I may.

Q. The late Chaplains were Mr. Tindal and Mr. Cambell?

A. Yes.

Q. Who came in upon Mr. Tindal's resignation?

A. Mr. Cook.

Q. Do you recollect whether you have or not paid any of Mr. Cook's pay to Mr. Tindal, since he has been a Chaplain?

A. I cannot take upon me to speak to that at present.

Q. Have you paid any of the other Chaplains pay to Mr. Cambell?

A. No.

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Q. I under-

Q. I understood you to say before, that you thought you had paid some of their pay to their predecessors?

A. Some of Mr. Cook's, I believe, I have paid; but I cannot say positively, without referring to the books of the Hospital.

Q. Do you think that by referring to your books you could speak more positively?

A. Yes; I believe I could.

Q. What was Mr. Tindal's age when Mr. Cook succeeded him?

A. I believe eighty-one or two.

Q. Did not Mr. Tindal use to discharge the duty by Deputy?

A. For some years.

Q. And did not Mr. Cambell do the same?

A. They jointly procured a person to do the duty for them.

Q. Did they lately perform the duty in person? Have they since Lord Sandwich has been at the Board?

A. No; very seldom.

Q. Was Mr. Tindal's Curate lodged in the Hospital?

A. The Curate of the Hospital had a room or two, and has been lodged for a great number of years.

Q. I think you said the other day, that Mr. Cambell, the Chaplain of the Hospital, had ran away from a ship, and had his R taken off afterwards; did you say that?

A. I believe I did.

Q. From whence did you gather that information?

A. From the Navy Office. I believe it may be proved from the books of the Navy Office, and the Admiralty books; there is an order on the books of the Admiralty, by which he received that five or six months pay.

Q. Do you know the particulars of that running away?

A. No; there are people that can give an account of that, I believe.

Q. Do you speak from hearsay?

A. I speak of what I saw upon paper, that Mr. Cambell had belonged six or seven, or five or six months to a ship, and had ran away; he had interest at the Admiralty, and had got that R taken off, and there is an order from the Admiralty for his receiving his pay, and he did receive it.

Q. Can you tell what year that was in?

A. No.

Q. Can you guess at all at it?

A. No; I cannot.

Q. Did you see it yourself?

A. No.

Q. Whether of late years, before the appointment of the two present Chaplains, the man appointed by Mr. Tindal and Mr. Cambell as their Curate, for some time did not do the general duty of the Hospital?

A. He did.

Q. Whether in Mr. Cambell and Mr. Tindal's time, they ever did any duty at the Infirmary?

A. Never.

Q. Is there any duty done there now?

A. There is constantly.

Q. You said that the present Chaplains were entered upon the books of some ship, and that their pay went to the Hospital; I did not quite understand that, be so good as to explain it?

A. By virtue of their appointment to Greenwich Hospital, one is borne upon the Ordinary, which is the hulk at Deptford, and the other at Woolwich, and they receive the groats for their servants and for themselves; the Hospital receives that, in aid from the Treasury of the Navy.

Q. When they are borne upon these hulks, are they as Chaplains to these ships?

A. Yes; they are.

Q. When a Clergyman is appointed Chaplain to Greenwich Hospital, is it in consequence of his appointment that he becomes Chaplain also to a hulk?

A. It has ever been so since I can recollect.

Q. Is it under one appointment, or are they separate?

A. They are separate appointments, but one is in consequence of the other.

Q. Now for what hulks are these gentlemen appointed Chaplains?

A. I don't recollect the names of the ships now.

Q. In these two ships, are there any men?

A. There are men in the hulks; the men that are lent from Greenwich Hospital; and all those men that are lent from other ships that come from Deptford, they are all victualled in, and borne on board of the Ordinary, and therefore all the Chaplains pay for that ship, and the whole Ordinary goes in aid to Greenwich Hospital.

Q. Do the Chaplains do any duty in consequence of that?

A. No; none.

Q. Are they liable to be called upon for any duty?

A. I never heard that they were.

Q. Then the additional appointments which are given to a Chaplain, for himself and for his servant, are converted to Greenwich Hospital, for the use of the Hospital?

A. Yes.

Q. But they are paid and discharged for Chaplains of such a hulk?

A. Yes, the Treasurer for the Navy pays the pay due to them, as Chaplains of the hulk to Greenwich Hospital. I have paid it myself many times.

Q. Are not the Ordinary the men that are employed to do business, a float, rigging, and several things of that sort.

A. All a float.

Q. Are they not paid as belonging to a hulk, not to a ship?

A. They are paid as belonging to a hulk, not to a ship.

Q. To a hulk, which is an old ship, cut down with a pair of sheers, and mast put in it?

A. Yes.

Q. Then have they not four-pence a month out of every man's pay who is concerned in that yard?

A. Yes.

Q. Was you ever concerned in any other dock-yard?

A. No.

Q. This four-pence a month is only a mode, if I understand you right, of giving that pay to Greenwich Hospital, in aid of the revenue of the Hospital; if I understood you right, it is a sinecure at Woolwich and Deptford, because the men go to church in the parish churches, they being both in towns; but at Portsmouth, Chatham, and Plymouth, the Chaplain does the duty of the Ordinary, and reads prayers to the Ordinary?

A. Yes; there are church-ships there.

Q. These gentlemen do no duty, they are not Sea-Chaplains by being appointed Chaplain to the Ordinary?

A. No; certainly not.

Q. Is it usual or not for these Chaplains, who have served a regular time at sea, to pay any thing out of the pay so earned towards the charity of Greenwich Hospital; I don't mean people who have been borne on board of ship, for an infant may be that?

A. The stoppages are all made by the proper officers; it is not in the option of the Chaplain whether he will contribute or no, all stoppages whatever are made at the Pay-Office: there is a stoppage made out of their pay always, regularly every month, for Greenwich Hospital, whether they like it or not.

Q. Do you look upon persons to have a right to hold a Chaplainship in Greenwich Hospital, who can

can claim it no other ways than having been borne on board of a ship, or an hulk? You have seen the Charter?

A. I have.

Q. Then you will answer the question I have put?

A. I can not give any answer to that.

Q. Are you acquainted with the dock yards of Portsmouth, Plymouth, or Chatham, to know the manner the Chaplains do the duty and are paid there?

A. No, I am not master of the subject—I have been frequently there; I have been on board a church-ship at prayers; but how their proceedings are there, I cannot take upon me to say.

Q. Do you apprehend that the Chaplains of those dock yards are paid for the ordinary business, being paid by the dock yard for the duty on board the church-ships?

A. They are not paid for the Ordinary, I take it. They are separate Chaplains, I think.

Q. You are not sure of that?

A. I think it is so; but I will not be positive.

Q. Then we will come to Deptford or Woolwich. Do you know, or have you ever heard, that there were two Chaplains, one for the Ordinary at Deptford, another for the Ordinary at Woolwich? Did you ever hear that?

A. No, I never heard it.

Q. Upon the present establishment of the Chaplains for Deptford and Woolwich; for I apprehend that one of the Chaplains is borne on board the hulk at Deptford or Woolwich. Is it so?

A. It is so.

Q. What becomes of that pay?

A. I have said before, it goes to the Hospital, in aid to the revenue: I have many years received it myself, when I was the Treasurer's Deputy.

Q. Then since the Hospital has been established, there has been no duty done on board the Ordinary of Deptford and Woolwich? What does it amount to? Is it considerable?

A. Not very considerable.

Q. From what stoppage does it come?

A. The Treasurer of the Navy makes the stoppages, and he pays it under the several heads of Chaplains wages, and groats for the Ordinaries.

Q. Are the Chaplains for the Ordinaries borne on board the hulks, supposed to be Chaplains of all the ships lying at that port?

A. No, it has nothing to do with the ships at that port, only the men that are borne on board the hulks.

Q. Is not the Chaplain of a dock-yard, Chaplain of the whole Ordinary, let it be Deptford, Woolwich, or Chatham?

A. I believe not, for this reason; for if Chaplains to the dock-yards were Chaplains to the whole Ordinary, Greenwich Hospital could not receive it at the same time.

Q. There is a Chaplain besides to Woolwich and Deptford?

A. One of the Chaplains of Greenwich Hospital is Chaplain to the Ordinary at Deptford; the other, to the Ordinary at Woolwich.

Q. Are there any Chaplains to the dock-yards of Woolwich and Deptford?

A. I believe not.

Q. Then the Chaplains of Greenwich Hospital are supposed to do the whole duty?

A. Of the Ordinary.

Q. But no duty has been done since the establishment of Greenwich Hospital?

A. Not, so far as I know.

Q. From whence does the pay of Chaplains, as rated on board a ship, arise?

A. The Chaplain, for instance, of Deptford in Ordinary; he is entered on board of the hulk as Chaplain of her, and has a servant allowed him; his pay is, I think, 17s. 6d. a month; his servant has the same. That pay of himself and servant goes to

Greenwich Hospital; his pay arises from being borne on board that ship; it is for wages and victuals.

Q. What was that you mentioned sometime ago about the groats?

A. All the men that are borne on board the hulk, the pay is 2s. every ordinary and able seaman has 2s. more than his pay, but there is a deduction out of it of 6d. for the Chest at Chatham, 6d. for Greenwich Hospital, 4d. for the Chaplain, and 2d. for the Surgeon.

Q. Then these Chaplains at Greenwich Hospital are also borne as Chaplains of the hulk? From what men do their groats arise?

A. From all the men who are a-float, and work a-float in rigging the ships, which are borne upon the hulks at Deptford and Greenwich.

Q. Then do the Chaplains do duty for them?

A. They do not.

Q. Then there is received 4d. from each of the men at the Ordinaries, both of Woolwich and Deptford, which goes to the Chaplains first, and is from thence transferred to Greenwich Hospital?

A. No, the Treasury of the Navy pays it to the Hospital.

Q. So, that is 4d. besides the 6d. paid from the pockets of these men, that is transferred to Greenwich Hospital? Now, by what authority is this done? Is there any order for it?

A. That I cannot tell; it is the custom and usage of the navy, which I believe has been time immemorial.

Q. Besides the persons you mentioned, which are warrant officers, there are other officers which belong in some measure to Greenwich Hospital, who are employed relative to the Derwentwater estate, which you have not mentioned. Is there not a Steward to the Derwentwater estate?

A. There are two.

Q. Who are they?

A. One is Nicholas Walton; the other is, I think, John Turner.

Q. Are they either of them seafaring men?

A. Neither.

Q. Is there not a Rectory belonging to the Derwentwater estate?

A. Yes.

Q. In whose gift is that?

A. The General Court, I believe.

Q. Who is the person that has it at present?

A. I believe his name is Scott.

Q. A famous literary man; a man who has wrote things?

A. I believe the same.

Q. Do you know what writings he has published?

A. No, I don't know any thing of that.

Q. Do you know what the value of that living is?

A. I have heard it estimated a thousand; some have said it is from 7 to 800, and so on to 1000l. a year.

Q. Whether the Office of the two Stewards, appointed to receive the rents and profits of the Derwentwater estates, might not be occupied by men who have been Secretaries at sea, and who are well accustomed to and acquainted with accounts?

A. I should apprehend not.

Q. For what reason?

A. The Derwentwater estate consists of a vast quantity of land; there are a great many mines on it of lead, and which the Hospital makes a vast quantity of silver from; there are a vast quantity of woods, and a great track of land. I have been at sea a great many years, and, I apprehend, there are very few people there that would be capable of managing such a vast estate as that is.

Q. How, and in what manner, are those Stewards paid?

A. They are allowed to deduct their poundage; whenever they remit money to the Treasurer, they deduct their poundage.

Q. How much in the pound?

A. Sixpence.

A. Sixpence.

Q. How much is the yearly value of this estate?

A. Seventeen, eighteen, twenty thousand pounds a year.

Q. Twenty-six thousand pounds, is it not?

A. We have not received 20,000l. for these last three years, not, upon an average, more than 18 or 19,000l.

Q. There are two Stewards that have 6d. in the pound for receiving this?

A. Yes.

Q. Could not one Steward do this business?

A. I should suppose not; because there are times of the year that they go out upon a circuit, to view all the estate, and hold their Courts, and the other remains to receive their rents, at the town of Newcastle. I believe the residence of both of the Stewards is in that neighbourhood, but there is a great part of the year they are out visiting the estates.

Q. So you think it is necessary to have two Stewards upon that occasion, of visiting the estates?

A. I think so.

Q. How many Manors are there upon these estates?

A. I really cannot tell, there are a great many.

Q. Are there fifteen or sixteen Manors?

A. I should suppose a great many more.

Q. Are there any Game-Keepers appointed to take care of these Manors?

A. Yes, I believe there are.

Q. And what do they do with the game?

A. I have lived from a very little boy in Greenwich Hospital, and I never saw any of the game that any of the Officers have ever had, a bird or a hare, from the estate.

Q. Pray who has the game?

A. I cannot say, I never heard who had.

Q. I suppose the Game-Keepers themselves know?

A. Yes, I suppose the neighbouring Gentlemen of the country have the principal part of it.

Q. Have they one Game-Keeper, or have they more, for a Manor? What is the custom?

A. The appointment of them does not lie within my knowledge; I think ten or eleven were appointed some few years ago.

Q. Has this Mr. Scott, we have been speaking of, been a Sea Chaplain?

A. Not that I know of.

[Mr. Maule withdrew.]

Captain BAILLIE called in again.

Q. Please to give an account of who are the Officers that at present constitute the Council of Greenwich Hospital.

A. The Governor presides; the Lieutenant-Governor, the four Captains, eight Lieutenants, the Secretary, the Auditor, the two Chaplains, the Steward, and Physician, compose the Council of Greenwich Hospital.

Q. Inform the House by what form they are appointed?

A. They are appointed by virtue of a Commission from the Lords Commissioners of the Admiralty, to constitute a Council for the better Government of the pensioners and servants of the Hospital.

Q. Please to inform the Committee what number of these there are that are landmen, that have not been at sea?

A. The Secretary, the Auditor, the two Chaplains, and the Steward, have not, by report, been seafaring men.

Q. How long have they been appointed of the Council?

A. The greater part of them have been for some years; the present Secretary, I believe, is the first that ever was in the Council of Greenwich Hospital; though I don't remember, till lately, that the two Chaplains were in the Commission, only one I believe. Your Lordships will please to observe, that by the number of the Council of Greenwich Hospital, the Government of the Hospital is in the hands of

inferior Officers; they out-number the Governor and principal persons in that Council, two to one.

Q. Can you remember the times of appointment to the Council of these five landmen?

A. I believe the Secretary was appointed of the Council by Lord Hawke. An additional Chaplain by the present first Lord of the Admiralty.

Q. Which of those men were appointed by the present Lord of the Admiralty, and which by Lord Hawke, or was the other appointed by Lord Hawke, or who?

A. When I first came into the Hospital, Mr. Tindal was of the Council; it became necessary that such Officers as they had should be of the Council, in the beginning, because there were very few Naval Officers.

Q. I think that you have said, that the Civil Officers now, who constitute these Boards, are two to one more than the military?

A. The inferior Officers, including those, out-number the superior Officers of the Hospital, two to one.

Q. Originally, I think you said, they were obliged to take such Officers as they had?

A. In the beginning they were forced to take, as I suppose, the Steward and the Chaplains, and those Civil Officers, for want of a sufficient number of Captains and Lieutenants, as there were but few of those Officers at first, and, for many years after, only two Captains and four Lieutenants; and, therefore, in order to make up a number for a Council, I suppose the Chaplains, &c. were included.

Q. Do you recollect at any time before the present, any persons, that were not seafaring men, of the Council?

A. The former Stewards and Chaplains were seafaring men, and as such were in the Council of the House; and I humbly conceive, that the Council of the Hospital ought, by the Charter, to be composed of Sea Officers only.

Q. I want to explain one thing, that I don't comprehend from you, that was relative to the Council; how far do you go back, talking of the Council of the House?

A. Some years before I came into the Hospital; about seventeen years ago, there were not so many Officers in the Council of the House as there are now, there were but four Lieutenants, &c.

Q. But all seafaring men, I apprehend?

A. They were, in the beginning, all seafaring men; I cannot speak positively of things before I came into the Hospital.

Q. Was the Council of the House obliged, by the original Commission, to be seafaring men?

A. I conceive it entirely in that light, and also by the present Charter.

Q. Whether the present Governor of Greenwich Hospital has constantly attended the House Council?

A. By the laws of the Hospital, the Governor is to hold a Council once a week, for the government and discipline of the Hospital.

Q. Does he attend it?

A. He does not preside once a week, but, I believe, he may preside once in a year.

Q. Who appoints the Clerk of the Council?

A. The appointment lies in the Governor.

Q. Does the Clerk of the Council live in the Hospital?

A. I have never seen him in the Hospital but once at dinner, in the course of seven years.

Q. Has he any apartment there?

A. There is a large apartment appropriated for his use, but has never been occupied by him.

Q. Does he attend the Council?

A. He has not once.

Q. Does any body else occupy the apartment of this Clerk?

A. No, it is not yet finished.

Q. You say the Chaplains have been seafaring men, was Dr. Cambell a seafaring man?

A. I understand he was reckoned a Navy Chaplain?

Q. Do

Q. Do you know how long he served?

A. No.

Q. How much service entitles a man to have the name and reputation of a seafaring man?

A. As to the reputation of a seafaring man, it is impossible to say what constitutes a seafaring man; some men will understand more in half a year, than others can in seven years.

Q. With regard to yourself, suppose you had been six weeks at sea, in the whole course of your life, should you reckon yourself a seafaring man?

A. I certainly should not.

Q. I believe you omitted one of the Officers of the Council, the Treasurer, I believe, you did not name?

A. He is not in the Council of the House, I don't recollect that he is.

Q. As you have said that you should not have looked upon yourself as a seafaring man, if you had been only six weeks at sea, would you have looked upon yourself more as a seafaring man, if you had been only borne upon the books of a ship?

A. He cannot, in any degree, be said to be a seafaring man, that has not set his foot on board of a ship, and has not seen salt water.

Q. You said Mr. Turner was one of the Receivers of Lord Derwentwater's rents?

A. Yes.

Q. Is he a seafaring man?

A. I never heard that he was.

Q. Was he ever at sea in his life?

A. I never heard that he was.

Q. What was his profession?

A. I believe he was an Attorney, and Commissioner of Bankrupts.

Q. Can you tell from whence he came?

A. Yes, I know very well, if it is proper for me to say it.

Q. I presume I may have an answer to that?

A. I believe he served the Office of Mayor of Huntingdon.

Q. Was he bred an Attorney or not?

A. I believe he was bred an Attorney.

Q. Do you think that a Purser of a ship, that has served as a Purser some years, or a Clerk, might not as well receive these rents as him?

A. There are certainly Purser, and Admirals Secretaries, that are, in my humble judgment, as well qualified to receive the rents as he.

Q. Did he ever practise as an Attorney?

A. I believe he did.

Q. Was he ever concerned in any elections, that you know of?

A. I believe he was an Agent at Huntingdon?

Q. If, in your opinion, you think a man that has been at sea most part of life understands lands, woods, and mines?

A. I think the greatest and best qualification for the Steward of the Derwentwater estate, is a man reputed to be an honest, upright man.

Q. You have been asked, if you knew how long Dr. Cambell had been at sea, you have answered, you are not sure, but believe a very short time; now I should like to know whether Dr. Cambell was really at sea, as a professional man, before he got this, or only went to sea merely to qualify himself for it?

A. I really don't know the particular circumstance of Dr. Cambell's case or situation; he was one of the Chaplains of Greenwich Hospital, when I was appointed a Captain there, and I understood that he had been a Navy Chaplain; whether he had been so merely for qualification or not, I cannot say.

Q. Who officiates at the Council as Clerk?

A. The Steward's Clerk.

Q. What is his name?

A. Daniel Ball.

[Captain Baillie withdrew.]

DANIEL BALL called in.

Q. Do you officiate as Clerk of the Council?

A. I have.

Q. Who does the Council consist of?

A. The Governor, Lieutenant-Governor, four Captains, eight Lieutenants, two Chaplains, the Physician, the Secretary, the Auditor, and the Steward.

Q. How are they appointed?

A. By a Commission from the Admiralty.

Q. Do you know any of them that have not been at sea?

A. I don't know in particular, I believe the two Chaplains and the Steward, I believe the Auditor is not a seafaring man, and I believe the Secretary is not.

Q. You don't know that any of them have been at sea?

A. I don't know, to my knowledge, that they are called seafaring men.

Q. How are you paid, whether as Clerk of the Council or not?

A. I was paid, by the Governor's Clerk, an allowance; he allowed me his table money of 20l. a year, 14d. a day, for doing the duty, as I resided in the Hospital.

Q. What is the Clerk of the Council's whole pay?

A. Fifty pounds a year, and table-money besides.

Q. So you do the duty for the table money only?

A. Yes, for the table money only.

[Mr. Ball withdrew.]

Captain BAILLIE called in again.

Q. Inform the Committee what you know relative to the prosecutions that have been carried on, at different times, by the Hospital, against the contracting butcher or his servant?

A. In September, 1771 and 1772, there were almost universal complaints, amongst the Pensioners, of the smallness of their mess pieces of meat, and of the bad qualities of it; there were repeated complaints, which I have represented very frequently to my predecessor in Office; he adopted a mode of giving any Pensioner that complained, a choice piece next day after they had so complained. The complaints increasing, I thought I would set a watch upon the butcher, with the assistance of Captain Allwright and Lieutenant Kerr; we detected the butcher's servant stealing a large quantity of butcher's meat; when he was detected, he had no other excuse, than that he was carrying it back as surplus meat, the property of his Master, the Contractor. We detected him carrying off 57lb. at one time, and 20lb. that was secreted as doctours for other people in the kitchen; upon this we carried him before a Justice of Peace, Mr. Charles Brett, of Greenwich, and he committed him; we, the Officers, were bound over to prosecute. This complaint I laid before the Board of Directors, in order that we might be indemnified in the expence of the prosecution. The man was bailed, though a felon, cold water was thrown on this prosecution in the Hospital; and the Solicitor, Mr. Everest, told me that there was no proof against him, that he would be acquitted, and he would lay a wager of it; this alarmed myself and other Officers; we went to Sir John Fielding, who said words of that kind were very improper to be made use of by the Solicitor who was ordered to prosecute him; he said he would issue out a warrant to re apprehend him, but the Butcher's servant was even too dextrous for Sir John Fielding, he made his escape; but Sir John said, if we would go down to Maidstone, he would put us in a way to catch him at a public-house there, where he was sure he would go in order to know whether the bills of indictment would be found against him, in that case he would be off; if the bills were not found, he would come forth. Accordingly we took a warrant, from Sir John Fielding, down to Maidstone; and we apprehended Mr. Emanuel Tucker, at the house Sir John recommended to us, lodged him in goal, and that afternoon two bills of indictment were found against him; he was tried the next morning, convicted, and ordered to be transported for seven years. After this, the

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complaints

complaints of the pensioners in regard to the size of the meat ceased; the pieces were of their proper weight, 4lb. in each mess piece, but the meat continued bad indeed, insomuch that soon afterwards there were complaints from the Physician, the Surgeon, and the Dispenser of Greenwich Hospital, in furnishing bad and putrid veal for the sick. I beg leave to refer to the Minutes of the Council to prove the sort of veal that was served to the sick men in the Infirmary. Mr. Ball has these accounts.

(The Minutes of the Council referred to.)

April 4, 1774, at a Council, &c. present, Lieutenant-Governor Baillie, Captain Maplesden, Lieutenant Gordon, Lieutenant Moyle, Lieutenant Besson, Lieutenant Kerr, Lieutenant Lefebvre, Lieutenant Neville, Lieutenant Smith, the Rev. Mr. Cook, Rev. Mr. Maule, and Dr. Hoffack. The Cook of the Infirmary having represented to the Dispenser, that the veal provided for the sick on Sunday last was very bad, and Mr. Pocock having inspected the same, was of that opinion, and ordered it to be carried to the Physician, who finding it unfit to eat, ordered it to be carried to the butcher; he refused to take it back, saying, it had been received by the Clerk of the Cheque's Clerk and Steward's Clerk, and left it in the kitchen, which the Lieutenant Governor being made acquainted with, came into the kitchen; seeing the veal bad, not fit to eat, called in Captain Maplesden, &c. to inspect the same, who declared it was not eatable; Lieutenants Kerr and Smith, the Rev. Mr. Cook and the Rev. Mr. Maule, being then on the square, were all called in, who declared it as their opinion, that the veal was very bad and unfit for the pensioners; the Lieutenant Governor, in consequence thereof, gave it in charge of the Cook to keep it safe, that it might be produced this day in Council, and afterwards sent Boatswain Tyrell to acquaint him of it; but the Cook not producing the meat, according to order, was sent for to know the reason of it, when he gave for answer, the Contractor's man came for it, told him he was going to the Council with it, but instead of that had carried it secretly away; the Council were unanimously of opinion, that the butcher had much imposed upon the Hospital in sending such bad meat, and that the Clerks did not do their duty in receiving it. They laid it before the Board of Directors, for them to give such orders as might prevent the like imposition in future.

Q. Captain Baillie will go on?

A. There are other Minutes of the Council concerning that veal, which may be too tedious perhaps for the House to hear, the Minutes of the 8th, of the 11th and 15th day of April, all to the same purport, which not being taken proper notice of by the Board of Directors, as appears by all those Minutes, if your Lordships chuse any of these Minutes to be read, it may be entering into too tedious a detail for your Lordships; but finding no redress on behalf of the pensioners on account of that complaint, and several others, I determined to complain no more to the Board of Directors, in respect of the quality of the pensioners provisions; I therefore thought I would set a watch upon the master, as well as upon the man. The butcher was, however, sent for by the Board of Directors in consequence of that Minute, and reprimanded by the Governor: the Governor was pleased to tell him he should not supply Greenwich Hospital any longer than that contract; Mr. Mellish, the Contractor, replied, he would serve Greenwich Hospital, and that when that contract was out, he would have another.

Q. Was you present when Mr. Mellish said he would serve Greenwich Hospital?

A. I was present, and he added, that no fault was ever found with his meat, till that troublesome fellow, the Lieutenant-Governor, got into office; and Mr. Hicks sneered, and said, Egad he sticks close to the Lieutenant-Governor; upon this I resolved to complain no more to the Board of Directors, in respect to the quality of the meat; but would set

a watch upon the Contractor himself, as well as upon his servant; and upon the 12th of June, I received information from the butcher's own servants, that he had, for a considerable time, killed bulls and bull stags for the pensioners. I carried those witnesses to London, where they were examined by Mr. Justice Pell, (I have the original depositions in my pocket) where they deposed, that they had, for a considerable time past, slaughtered bulls, which were cut up for the use of the pensioners, brought down to Greenwich Hospital, and served up at their tables. I represented this to Sir Charles Hardy, the Governor, desiring he would lay the depositions before the Board of Directors, that the Contractor might be prosecuted; they were laid before the Board of Directors, and he was prosecuted; but the prosecution was carried on in such a desultory manner, that it was a whole year before it was brought to an issue. I set off at first with six witnesses, most of them the butcher's own servants, at last they dwindled away to only two, the prosecution was so tedious; and long before it came to issue, one man I was obliged to secret in the country, where he was not known, or else, I believe, I should have lost that man also, and have had no evidence at all.

Q. Did these six witnesses make affidavits?

A. No, only three; I thought it would not be so proper to take them all to be sworn before I came into a Court of Justice, so I took three only to be examined before the Magistrate, the prosecution was carried on, the butcher was convicted, but I should have told your Lordships, whilst he was under prosecution, the Directors thought proper to renew the contract with the same man, though there lay before them information upon oath, that he had cheated the Hospital; I objected to that contract, but it was to no purpose.

Q. What Court of Directors was that? call for the Minutes of that Court, to see who were present?

A. I don't know the number of the Directors, but it will appear by the Minutes, it was in June 1775; I believe the depositions were laid before the Board of Directors; the contract was renewed in the March following; in the mean time I will inform your Lordships, that while he was under this prosecution, a second contract was renewed with the same man, after he was convicted of fraud.

(Mr. Ibbetson produced the book of the Minutes of the Directors.)

A Minute of the Board of Directors of the 14th of June 1775; present, Sir Charles Hardy, Captain Baillie, Captain Hood, Mr. Fonnereau, Mr. Pett, Mr. Steward, Mr. Cust, Mr. —, Mr. Hicks, Sir Peter Dennis, Mr. Barker, Mr. Marsh, Mr. James, the Rev. Mr. Cook, Captain Cambell, and Mr. Palgrave. The Governor laid before the Board a paper, which had been brought to him by the Lieutenant-Governor, containing the affidavit of James Hatterley and John Boycot, two persons late in the service of the butcher, and Alexander Moore, Cook, first mate, setting forth, that the Hospital has, for some time past, been served with the flesh of bulls and bull-stags, instead of that of oxen, agreeable to the contract. Ordered, that the Solicitor lay the said affidavits and the butcher's contract before Mr. Newnham, and take his opinion in what manner it is proper to proceed against the Contractor.

Captain Baillie. In march following the contract was renewed again.

Mr. Ibbetson. There is something which followed this, the Solicitor, on the 14th of June, the very day the affidavits were brought, it was desired to take an opinion in what manner the butcher could be prosecuted. At the very next meeting, which was the 24th of that month, the Solicitor delivered to the Board Mr. Newnham's opinion upon the case, laid before him in consequence of the resolution of the last Board, &c.

Whereby he recommends, that both the present and former Contractor, should be prosecuted on their respective

spective bonds, for not having complied with their contracts; ordered, that the Solicitor do cause prosecutions to be immediately commenced against them, agreeable to the said opinion.

Q. Are there any other orders of the Board relative to this business, between the order and the renewing of the contract?

A. No. On the 13th March, 1776, present Sir Charles Hardy, Captain Baillie, Captain Hood, Mr. Fonnereau, Mr. Pett, Mr. Steward, Mr. Cleveland, Mr. Hicks, Mr. Barker, Mr. Wells, Mr. James, the Reverend Mr. Cook, Captain Cambell, Mr. Wells, and Sir Richard Bickerton, proposals were given in for supplying the Hospital with meat; and Mr. Mellish the present Collector, offering to do it at 11. 12s. per hundred weight, his proposal was found considerably the lowest, and was accepted. Order that the Solicitor prepare a contract between the Hospital and Mr. Mellish accordingly.

Q. Are those contracts determined by ballot or a division? In what manner is it settled?

A. The method of contracting with Greenwich Hospital is, advertisements are always published; and people that are inclined to serve the Hospital, give their tenders in writing, those tenders are sent in sealed to the Board, and the general practice has been, that before they are opened, the people are called in; they write their names on the outside, and are asked, whether those are the lowest proposals; if they say yes, they are desired to withdraw, and then it is opened; that has been the constant practice; I don't say, whether it has always been the practice, for it has been thought a useless thing latterly to call them in, after once they have sent in their proposals sealed, then the lowest proposer is the man who has it; I never remember any division about it.

Q. You was present at this Court, was you?

A. I was present at the one in 1776.

Q. Do you recollect that any objection was made to renewing the contract with the person who was then under a prosecution by that very Board?

A. I don't recollect in 1776, if any was made in 1777, I cannot say, because I was not present then.

Q. Whether after the contract was made once to Mr. Mellish, was there any proof given of Mr. Mellish's having served the Hospital with any meat that was improper, or was there any fault found with his performance of the remaining part of the contract, after this gentleman was turned out?

A. At the first contract, after the affidavits, I mean the contract in 1776, the matter had not been brought to trial, consequently he had not been convicted, and must be looked upon, I apprehend, till such conviction, as an innocent man.

Q. Was, or was not this person who was complained of, continued after there had proof been given of his serving the Hospital with bad meat; I think it has come out that he was discontinued?

A. No; it does not appear that he was discontinued.

Q. Was not the contract given to Mr. Mellish?

A. Yes, he was the person that was prosecuted.

Q. Was there any other person that that contract was offered to, I understood you so?

A. No.

Q. If there had been any objection made to renewing the contract with this person, by their method of keeping the Minutes, that objection would appear?

A. It certainly would, if it had been an objection made to the Board; if any one of the Members present, had desired that his dissent might have been entered in the Minutes it certainly would, but it is not usual to take down in Minutes, any thing a single Member says.

Q. Would it have appeared, if it had been determined by a majority?

A. Certainly it would.

Q. Was Captain Baillie present at that first meeting?

A. He was.

Q. It does not appear that Captain Baillie did object?

A. It does not appear by the Minutes.

Q. You was present, did he in fact object?

A. I don't recollect that he did.

Q. Can you refer to the advertisement, and the form of it?

A. I cannot produce the form of the advertisement, we do not keep any copy of them, they are things of course.

Q. From your recollection of them, are those advertisements of such a nature as to oblige the Court to give it to the lowest bidder?

A. No, there is nothing obligatory to the advertisement; it is for such persons as may be inclined to give in their proposals at Salter's-Hall at such a day, and such a time, and they are to do it agreeable to a form, which they will receive at the proper office at Greenwich Hospital, where, by the advertisement, they are directed for the form.

Q. Is there any thing said in the advertisement, that the lowest bidders terms will be accepted?

A. Not at all.

Q. But it has been the constant practice among the Directors to take the lowest?

A. Yes, ever since I have been there.

Q. to Captain Baillie. Did you object at that Board of Directors?

A. I did positively object to Mr. Mellish's having a renewal of his contract; the answer was, it was a mere matter of suspicion, and, that those servants of the butcher who had given evidence, were under prosecution themselves, for stealing the Contractor's meat; therefore their evidence ought not to be taken at all, upon that I said no more, the contract was renewed. The prosecution commenced in June, 1775, it was not brought to issue till June, 1776; after that it appeared, that Mr. Mellish had, prior to this contract, supplied the Hospital with bull-beef for a considerable time.

Q. How does it appear?

A. Upon the affidavits of the different persons carried before the Magistrate, they had sworn to different contracts; one man to the contract then existing, another to the contract prior to that, and I moved it to the Board, that he might be prosecuted for that contract also. Mr. Eden was a principal person that assisted to bring on that prosecution, which continued another whole year.

Q. What was the event of the first prosecution?

A. He was prosecuted only for ten penalties, but I believe a hundred might have been proved in the course of that contract; he was convicted upon ten penalties.

Q. Was you at the trial?

A. I was.

Q. You heard the sentence pronounced?

A. I heard it pronounced by the Judge and jury, that he was convicted for ten penalties, they brought the action for 100l. only.

Q. You say you objected when the contract was renewed, whilst he was under a prosecution?

A. Yes.

Q. You say somebody objected to your objection, do you recollect who that was?

A. I remember very well, if it is proper to mention names, which I would rather wish to decline; Mr. Marsh, formerly a Commissioner of the Victualling, did declare, that he had heard the butcher's men were under prosecution, for stealing the Contractor's meat, and that defence was set up for him in the King's Bench, which appeared to be entirely groundless, and without a shadow of foundation; on the second prosecution I was ready in Court with five witnesses; he was prosecuted for fifty penalties, for fifty breaches of contract.

Q. In what year was that?

A. 1777.

Q. This man was convicted in ten penalties, for ten breaches of contract; I suppose there was in the contract a penalty of 10l. for each breach of the contract?

A. Yes.

Q. Was

Q. Was there or not a general penalty besides, for the breach of the contract?

A. I understood that the penalty of 10l. was merely to oblige him to bring his meat in due time, that the people might have their dinners at the proper hour, and a general bond for the performance of his covenant in 300l.

Q. Was the next contract renewed with Mr. Mellish before the second trial or not?

A. Having been convicted in the ten penalties, after that the contract was renewed with him, then a second prosecution was carried on.

Q. Was the second contract renewed with him, before the compounding the second trial?

A. Yes, after he was convicted on the first trial, he compounded the penalties on the next.

Q. When was that?

A. He was prosecuted first in 1775; he was convicted in 1776; and in 1776, there was a fresh prosecution carried on against him, for fifty other breaches of his contract.

Q. You don't understand me; when the contract was renewed a second time, was it previous to his compounding the penalties, for the second prosecution, or after?

A. The last contract was after he had compounded the penalties.

Q. Give an account of compounding the penalties.

A. He had several times petitioned the Board of Directors, acknowledging himself in the wrong, and would have submitted entirely to their humanity, or goodness towards him; the prosecution was ordered to be carried on, and it was brought into Court, and I had five witnesses ready to convict him, when it was all on a sudden compounded for one hundred pounds, though he was charged with fifty breaches; and, after that composition of the penalties, the contract was renewed again, and he still serves Greenwich Hospital.

Q. Whether there were not two of the same name concerned?

A. Father and son.

Q. Distinguish when the contracts were made, who were prosecuted, the father or the son?

A. I believe the father and the son were the same; for my part, I could never distinguish the principal; the son took upon him the contract the last time, in his own name, I believe.

Q. In whose name was it?

A. They were both named Peter.

Q. Were they both joined in it?

A. In fact, I believe they were; after they had compounded the penalties, the contract was put up again, and Mr. Mellish proposed; I objected then, and hoped, and entreated the Board that they would not deal any more with a person who had been convicted of fraud, and afterwards compounded the penalties: I addressed myself to Mr. Marth, who had been a Commissioner of Victualling, and asked him, if at the Victualling Board, a hop contractor, that had cheated them, had not been excepted by public advertisement?

Q. But we shall hear that from him?

A. The contract was renewed again with the very person.

Q. At that time?

A. In March, 1778.

Q. to Mr. Ibbetson. What was the next time to that, after the man was convicted, that the contract was renewed?

A. Those have been yearly contracts; the second time was in March, 1777.

Q. to Captain Baillie. What is the date of the conviction?

A. June, 1776, he was convicted in the ten penalties.

Q. Does any thing appear in the books, relative to that conviction, since the time you have read, and before the time you are going to read?

A. Yes, there does.

Q. I beg that may be first stated?

(Mr. Ibbetson reads.)

On the 12th of June, 1776, the Solicitor, by his letter of this date, acquainted the Board, that in consequence of their directions, two actions had been brought against the Contractors, for supplying the Hospital with butchers meat, for having served bull-beef, and bull-stag beef, instead of good fat ox beef, agreeable to contract; one of the actions on the former contract, the other on the last; that, by advice of Counsel, the action on the last contract, only was thought proper to be proceeded upon; in consequence of which, it was brought on to a trial, before Lord Mansfield and a special jury, when a verdict was given for the Hospital, of one hundred pounds, besides costs of suit, and costs of the special jury; it was then immediately ordered, that he be prosecuted for the penalties on the other contract.

19th March, 1777, present Sir Charles Hardy, Captain Hood, Sir John Major, Mr. Hicks, Sir Peter Dennis, &c. proposals were given in for supplying the Hospital with butcher's meat, and Peter Mellish, jun. the present Contractor, having offered to do it for 1l. 12s. per hundred weight, his proposal was found to be considerably the lowest, and was therefore accepted.

Q. Was that Mr. Mellish, jun. the present Contractor, the same Mr. Mellish who had been convicted of the fraud upon the Hospital?

A. I believe it is the same Mr. Mellish.

Q. Does any objection appear to have been made?

A. I was not present at the Board; there does not appear to be any by these Minutes, I have brought the proposals hither, there were two proposals, and here they are, in the original, as presented to the Board of Directors; the one from Peter Mellish, which is the father, his offer was, for twelve months, at 34s. and 4d. a hundred weight. Mr. Peter Mellish, junior's proposal, at the same time, was 32s. per hundred weight.

Q. Were there only those two that sent proposals?

A. There was no other sent proposals.

Q. This was in March, 1777?

A. Yes.

Q. Has this contract been since renewed with this Mr. Mellish?

A. I believe it has. I think he is the present Contractor. On the 4th of March, 1778, one proposal only being given in, by Mr. Peter Mellish, for supplying the Hospital with butcher's meat, offered at 1l. 14s. 6d. per hundred weight, his proposal was accepted.

Q. I understood then from you, that this contract was renewed in March, 1777, and in March, 1778, with Mr. Mellish, jun. the same person that had been convicted in ten penalties, and afterwards compounded one hundred pound for the second time?

A. I am pretty certain it is the same person; the Solicitor will be able to explain that; but I think it is certainly the same man that has been contracted with three times running, and who is the present Contractor.

Q. Have you, in your books, any entry of the contract upon which he was prosecuted?

A. I have one of the original contracts upon which he was prosecuted; this is the original contract that was made with the butcher, to commence on the 1st of April, 1775, it is dated the 15th of March, 1775.

Q. Who are the parties?

A. Between Peter Mellish, the younger, on one part, and Sir Charles Hardy, Knt. &c.

Q. See how the penalties are.

A. That if any of the kind or sorts of meat aforesaid, so to be delivered, shall, in the judgment of the Steward, or Clerk of the Cheque, be deficient in weight or goodness, or not cut as the same ought to be, that then it shall be lawful to cause all such meat to be surveyed by the Captain and Lieutenant, who-soever it shall be to do the duty of the week; and, if disapproved of, on such survey, so often as they shall neglect

neglect to cut up the meat as agreed upon, to pay ten pounds for each, or every breach or default, that shall happen in the performing this contract.

Q. Is there not a general penalty of three hundred pounds?

A. That is in a bond, which bears date the same day, the 15th of March; the bond is in the sum of three hundred pounds, for the fulfilling his contract.

Q. Whether or not there were bonds generally given by the butcher, who had the contract made to him, before that bond; whether it was usual in your memory, to have those bonds?

A. I believe it was, I cannot speak positively.

Q. Whether or not, since these complaints have been made, and the butcher has been fined, and there has been a detection of this villany, the Hospital has been well served?

A. With respect to these bonds having been usually given, I see by a notation I have made, making a little abstract of the contracts made for some years back, I see in 1774, when he was contracted with, that it is expressly mentioned in the Minutes, that care should be taken, that he gave the customary security; whether the Hospital has been well served since the butcher has been convicted, or compromised the other action, I can't say; I believe it will appear there have been no complaints, at least, I have heard none; but must beg to refer your Lordships to the Military Officer there.

Q. With regard to the notices that were given by advertisement, what time is usually given for those advertisements, for persons to deliver in their proposals?

A. It is sometimes advertised longer, sometimes shorter, just as it happens; generally a week's notice is given, and my Clerk has it in direction to put it in most of the Morning Papers; and if it is a contract for woollen or linen cloth, where people may propose out of the country, there we give longer notice, but for the butcher, we generally give about a week's notice.

Q. Were not those advertisements inserted by the order of the Court of Directors?

A. Yes; the Steward generally represents that a contract is near expiring, and then the Board of Directors order it to be advertised. I see the notice for 1778. On the 21st of February, 1778, upon a letter from the Steward, wherein he mentioned, that the butcher's contract would expire at the end of March. Ordered, that notice be given in the New-Papers as usual, for such persons as may be willing to contract, &c. to give in their proposals on Wednesday se'nnight.

Q. Does it appear on what day of the week that was?

A. It was on Saturday the 21st.

Q. So that the directions were on the Saturday, that the proposals should be made on the Wednesday se'nnight; does it appear how soon that advertisement was put into the Paper?

A. We have nothing here that will shew that, without referring to the Paper.

Q. How long has Mr. Peter Mellish and his father been contracted with?

A. I find in the year, 1764, one Samuel Mellish was the Contractor; in 1765, a Mr. Land; in 1766, a Mr. Preddy; and in 1767, he only contracted for six months at a time; in 1768, comes Mr. Peter Mellish, whether he is the father or the son, it does not appear; he has it for that year; then Mr. Preddy comes again, and in September, 1769, Peter Mellish is contracted with, and again in September, 1770; in October, 1771, he is contracted with, and the Mellishes have had it from that time, without any persons besides intervening; there is one year that I have not got, which is in 1771, and whether it was this Mr. Mellish or not, I don't know; but he seems to go regularly back as far as 1771.

Q. When was Preddy?

A. The last of Preddy is the 15th of March, 1769,

he contracted for six months, and then Mr. Peter Mellish takes it up the other six months. In 1771, it does not appear who was the Contractor, but otherwise Peter Mellish, either father or son, seem to have had it from September, 1769, regularly.

Q. For how many years back does it appear that no other persons offered, except the father and son?

A. We don't ascertain the number of proposals upon our Minutes without looking back, and endeavouring to find the proposals themselves.

Q. Because you mentioned Mr. Mellish, the father and son, made different proposals?

A. In 1764, I have made notations, that there were four proposals; in 1765 there were several.

Q. Read the names of the persons who were present in March, 1777, when the contract was renewed; what notice was there given to the Hospital, and entered in their books, that the penalties were compounded?

A. It was from a letter of the Solicitor's; the Solicitor informed the Board, immediately after the action of the event of it.

(The Solicitor's letter read, dated the 31st of May, 1777.)

Q. Lord Fortescue. After having promised that, as this affair is likely to be a pretty considerable length, I am the last Lord in this House that would desire to procrastinate it. I would ask you after these two Mr. Mellishes were out, after these things being proved, whether or not there was any fault; or on the contrary, whether the other person who was taken in upon the Mellishes being put out, to perform the contract of the Hospital, did or did not serve them with meat, so as to give general satisfaction?

A. The Mellishes were not put out.

Q. Were they never put out at all?

A. Not since those prosecutions.

Q. Was there no person ever put in?

A. No; there was on the 31st of May, 1777, that Mr. Everest had commission given to compromise it on the 11th of June, 1777. A letter of this date, from the Solicitor, was read, representing, that the clause against the butcher was compromised in Court.

Q. Were both the actions brought upon the same contract?

A. No; they must have been upon different contracts, because they were at different periods of time.

Q. Read the names of the persons who were present at the renewal of the contract in 1777.

A. Sir Charles Hardy, the Governor, Captain Hood, the Treasurer, Sir John Major, Mr. Hicks, Sir Peter Dennis, Mr. Barker, Mr. Marth, Mr. Wells, Mr. James, and the Rev. Mr. Cook.

Q. That was after the first conviction?

A. Yes.

Captain BAILLIE called in again.

Q. Who first informed you about the pensioners being supplied with bull beef?

A. Alexander Moore, the Cook's Mate.

Q. What month was that in?

A. In the month of June, 1775.

Q. Are you sure it was in the month of June that Mr. Moore first told you of the bull beef?

A. I have it in my Minutes; I carried the butchers servants and the Cook before Justice Pell, where they confessed on the 7th of June, 1775.

Q. My question is, who first informed you about the bull beef? You say Alexander Moore did?

A. Yes.

Q. In what month was it he gave you this first information?

A. It was either in the latter end of May, or the beginning of June, 1775, but I believe in the beginning of June, because I see the affidavits are sworn on the 9th.

Q. When was it you acquainted the Directors of it?

A. I thought it my duty to complain first to the Governor of Greenwich Hospital, and I laid authenticated

thenticated copies of the depositions before the Governor of the Hospital immediately after they were sworn?

Q. When did you lay them before the Directors?

A. I did not lay them before the Directors; they were laid before the Governor; I desired him to present them to the Directors.

The following fourteen questions were asked by Lord Sandwich:

Q. Did you examine William Fleoe?

A. I believe he was examined upon that business.

Q. Did you examine him?

A. I believe I had some conversation with him upon the subject.

Q. Whether his examination at any time was taken in writing by you, or in your presence?

A. I don't recollect that it was; I am not certain; I don't speak positively; I had some conversation with all the butcher's servants upon that occasion concerning bull beef.

Q. But cannot you say positively whether this man's examination was taken in writing before you or not?

A. I cannot say; there were three of them that were.

Q. Did you never give the examination in writing to any person, and to what person?

A. I don't recollect that I ever gave it to any person whatever; I remember very well such a man was upon the list of evidences; but that man, when it came to the day of trial, he was not to be found; he went out of the way.

Q. That is not the question, it is a plain question, and I think I put it very clearly; you doubt whether any examination was taken before you; in order to prove whether it was taken before you or not, I desire you will here say, whether you did give to any body the examination of Fleoe?

A. I cannot say positively whether I did or no; I had some conversation with the man upon the subject, and I might have taken some examination from them all. I had, as I said, five evidences at first, and they all went off except two; I had the examination of one Payne and of one Largent.

Q. I stick to my question, to which I expect an answer, whether you did or not lay the examination of Fleoe before any particular person?

A. I cannot answer that question, because I don't remember it; I had five upon my list at first, and they diminished away to two; one man was going to Holland, another to America, I stopped him, and got his examination.

Q. I will refresh your memory farther; did you ever give the examination of Fleoe to the Solicitor of the Hospital?

A. I believe that Mr. Kerr might have taken that man's evidence, but not me?

Q. Did Mr. Kerr take it in your presence?

A. I don't think he did, I don't know.

Q. That is not an answer to my question; my question is, did you or not give it to the Solicitor of the Hospital?

A. I cannot tell you; I gave him all the information I could upon that business.

Q. Upon what day did you give the Solicitor of the Hospital all the information that you could give him?

A. At different times.

Q. When did you give him the last information?

A. I cannot remember such a thing as that.

Q. Do you recollect when the cause was tried?

A. I remember the day of the trial perfectly well.

Q. Was the information and the examination you gave to the Solicitor of the Hospital given to him the day before the trial, or was it not?

A. I don't know on what day it was given to him; I declare, I gave him all the information I could collect, and I was at great expence in collecting that information.

[Captain Baillie withdrew.]

Mr. MARSH called in.

Q. Whether you have not been in the Victualling-Office, as a Commissioner?

A. I have.

Q. Whether, in the Victualling-Office, there are cases of persons having been guilty of breaches of contract, and have been excepted to by advertisement?

A. Not while I was in the Victualling.

Q. Was there such an instance, in the case of an hop Contractor?

A. I have heard of such an instance, but I don't know it of my own knowledge.

Q. Has there happened any breaches of contract, in the Victualling-Office, since you have been there?

A. There has.

Q. And have the persons guilty of those breaches been employed again?

A. They have.

Q. In what instances?

A. A Butcher we contracted with to serve the fleet at Chatham and the Nore; he sent inferior oxen, our Officer there refused them, and agreeable to our order, and the terms of our contract, he went to Chatham market immediately and purchased meat at an extraordinary rate, and made him pay the difference.

Q. And that very person was employed again?

A. Yes, upon a public advertisement; he was the lowest tenderer.

Q. What were the terms of your advertisement?

A. Advertisements for those that would tender to serve the Hospital with ox meat.

Q. Are there any expressions in them that mentions, that you engage the lowest bidder?

A. No, that is understood in course.

Q. Was there any thing favourable in the circumstance of that man, who had been guilty of that breach of contract, that had induced you to renew it again with him?

A. We punished him in the first instance; he performed his contract very well afterwards.

Q. This instance that you mention of the hop Contractor?

A. I know nothing of that of my own knowledge; I was a Commissioner of the Victualling about nine years, and nothing of the kind happened in my time.

Q. Do you recollect to have heard at what time the affair of the hop Contractor happened?

A. I have heard of it, but never heard how many years it was before my time.

Q. Have there been many instances in which there have been breaches of contract, in the Victualling-Office?

A. Not a great many, but the Contractor was generally punished in that way.

Q. Do you imagine it is very easy to convict a Contractor that is guilty of breaches of contract?

A. I think so.

Q. Don't you think it is possible for a Contractor to be guilty of breaches of contract, without being found out and detected?

A. Not in the Victualling-Office.

Q. Why so?

A. Because we receive live oxen at the Victualling-Office; the Contractor had drove down live oxen to Chatham, and they were judged, by the Officer there, inferior to the contract.

Q. I am only asking in general, whether it does not very often happen, according to what you must know of that business, that Contractors are guilty of breaches of contract, without it being possible to prove it in a Court of Justice?

A. I never knew an instance of it.

Q. Did you never hear complaints of bad provision from the Victualling-Office, being furnished on of any ships?

A. I have not; partial complaints there ever were and ever will be, in so great a concern as that of victualling

tualling his Majesty's Navy; partial complaints there always were, and for various reasons which I can acquaint this House with.

Q. Do you believe they were always partial, bad reasons?

A. Partial reasons they must be; but in the general we have been served well, and the Navy has been served well.

Q. But I ask you whether it is possible always, with great facility, to bring a Contractor to conviction?

A. With respect to what has been said about the Commissioners of the Victualling, Captain Baillie has gone out of his road, and charged the Commissioners of the Victualling with providing bad meat for the navy, and I take upon me to say it is false.

Q. If the Victualling Office had ordered a prosecution against any man for a breach of contract, do you think that they would, during a prosecution enter into another contract with him?

A. I mean that after an advertisement of the lowest tenderer proved to be a Mr. Mellish, or any body else who had been supposed guilty of fraud, or had been guilty of fraud, if no other person offered, and the King's service would have suffered, as it must have done for want of meat, I certainly should have taken Mr. Mellish.

Q. Would you at the Victualling Office renew a contract with a man who, under a prosecution ordered by the Victualling Office, had been convicted?

A. Certainly I should, if the service would have suffered by not accepting him—If there was no other tenderer but himself, the service might have suffered for want of flesh.

Q. Would you have taken any means of advertising, or otherwise, to have got proposals from some other persons, who were not under that predicament?

A. Not after public advertisement for a week or a fortnight before; I should think it would be to no purpose; but if there had any other persons offered, I should have proposed to have taken one, though he might have been something higher in his demands than he?

Q. If Mr. Mellish had been excepted in the advertisement, as a person with whom the Hospital would not treat, might not other persons have offered?

A. I do not know whether we might not look upon it as dangerous to say that of a man in public print.

Q. You will do well to re-consider the nature of the question, and the answer you have given the question; whether, if you had excepted by name this Mr. Mellish, as a person you did not choose to deal with, other Contractors might not be expected?

A. I cannot say as to that question—If no other Contractor tendered, in consequence of a general advertisement, I should not have thought of advertising again.

Q. I ask you, if you had advertised with a special exception of Mr. Mellish, whether some other persons might not have offered?

A. No such exception has ever been made during my time.

Q. You are a Commissioner of Greenwich Hospital?

A. Yes, and of the navy.

Q. How came you not to make it the second time?

A. Because I apprehend the Hospital would have suffered for want of flesh.

Q. Do you apprehend then that there is but one person in this great metropolis that is capable of contracting with the Hospital for meat?

A. It was evident there was not; for nobody tendered but the father, or uncle, and son, I don't know which.

Q. Did you make the trial, by excepting Mellish, whether any body else would offer?

A. When it was published, nobody tendered but the two Mellishes.

Q. Do you really believe that there was no other person in the city of London capable of undertaking the contract but Mr. Mellish?

A. It appears to me from consequences, that nobody cares to deal with us hardly.

Q. Are you a Commissioner of the navy at this time?

A. I am.

Q. I believe you cannot be so easily imposed upon as to the nature and quality of meat which is sent to the Victualling Office, because they are delivered alive—Did you say that?

A. I said that.

Q. Whether any man that is not accustomed to look at beasts, and to know the quality of them, may not be exceedingly imposed upon in beasts alive? I have always understood so, but it may be otherwise, perhaps?

A. We have proper Officers, an experienced Master Butcher, besides other Officers, to view the beasts before we suffer them to be killed. The concern is very great in the Victualling Office; there are 4 or 5000 oxen killed in a Winter; they are drove into the Office alive; they stand there twenty-four hours to cool; they are then examined by a Master Butcher, and by the Officer of the Cutting-house; and then if the Master Butcher and the Officer of the Cutting-house approve, they kill the beasts; those they do not approve of are not taken; after they are killed, they are cut up; the four quarters are put into a scale, and if they don't weigh seven hundred weight, we don't take them.

Q. If no person offered but Mr. Mellish, could they not have entered into a contract for a shorter time, and so have got another Contractor for the remainder of the year?

A. The Board were of opinion that it would be best to contract for a whole year, for fear provisions should be dearer; that was the reason of contracting for a year; or else, generally, the contract is for six months.

Q. Do you, as a Director of Greenwich Hospital, recollect what number of men are victualled there?

A. I believe about 2000, but I cannot say.

Q. You don't know, do ye, that one half of them are paid money instead of having provisions?

A. I don't know the number.

Q. In your advertisement for Greenwich Hospital, what time do you give for delivering in of proposals?

A. The Secretary of the Hospital can tell the time best.

Q. What time do they give at the Victualling Office?

A. Generally three weeks an advertisement for a certain number of oxen, 2 or 3000 to be killed at such a time.

Q. I understand you that the reason you thought it was allowable to renew the contract with a man that had been proved to be guilty of a fraud was, that there was no other person offered, and it might be necessary for the service to deal with that man, because no other offered?

A. Yes.

Q. And you also said, if I don't mistake, that you believed no other person would have offered, but Mr. Mellish, if the advertisement had been issued?

A. Nobody else had tendered to serve the Hospital for a considerable time.

Q. Mr. Mellish is the contracting Butcher for the navy too, I believe?

A. Yes, he is generally, but not always.

Q. You can find somebody else for the navy?

A. Sometimes; but, in general, he and his family have been the Contractors.

Q. You have also said, as I understand, that though you had found that this man had been guilty, or should be guilty, of a breach of contract, that you would be obliged to take from him because nobody else tendered?

Q. You

A. We could not of a private Butcher find meat sufficient to feed 2000 men, therefore it was for the benefit of the service; I did not say he was the only person did offer.

Q. Has any attempt been made to find any other?

A. By public advertisement.

Q. Any other way?

A. I know of no other.

Q. With regard to the complaints that had been made, I don't mean by an individual, Captain Baillie, relative to the Victualling-Office, that Greenwich Hospital has nothing to do with: have you had no complaints of the Captains of the navy, relative to the Victualling-Office?

A. There ever has been partial complaints while I was a Commissioner of the Victualling; since which, I have heard of none, but the partial complaints.

Q. Explain what you mean by partial complaints.

A. I mean of a cask of beef turning out bad, or such a thing, there can be in bull-beef with us.

Q. Has there not been general complaints against the provisions furnished by Mr. Mellish, from the Captains of the navy at Plymouth?

A. Not that I know of, I am not a Commissioner of the Victualling.

Q. *Lord Sandwich.* Do you know whether last year, when the Contractor at Plymouth had refused to fulfil his contract, Mr. Mellish was not called upon, and went down, and was the only man that could supply the fleet?

A. I heard so; your Lordship knows I am not at the Victualling Board.

Q. Is not Mr. Mellish one of the largest, perhaps the greatest dealer in live cattle in England?

A. We all look upon him to be the greatest dealer in live cattle.

Q. Is not the person who has the most of it in his possession, more likely to serve you well, than a person who is not so largely concerned?

A. Undoubtedly.

Q. Do you imagine, that, if during the prosecution that this Mr. Mellish was under, there had been an advertisement for other contracts, excluding Mr. Mellish, offered, would that have prevented any other Contractors offering?

A. I cannot answer for that, because we have had public advertisements, and no butchers tendered to serve us.

Q. Do you imagine, that if any other person had been commissioned with an advance of public money, and to have gone to Smithfield and bought up a hundred, or two hundred head of cattle, as you had wanted, don't you think that would be a means of furnishing the Hospital as cheap as Mr. Mellish?

A. I cannot say but it would.

Q. I understand you are one of the Directors of Greenwich Hospital?

A. Yes.

Q. As such, whether, when it appeared by the verdict given, that fraud had been committed in this contract, you thought yourself, as one of the Directors, not bound to endeavour that the like fraud should not be committed again?

A. As the Hospital was in immediate want of meat for a vast number of men, it did not strike me, the method the noble Lord has pointed out now, nor do I know whether it was practicable.

Q. As a public man, did not you find yourself bound to prevent frauds from being committed? Did you take care to prevent such fraud, when you made this contract with Mr. Mellish?

A. If the officers do their duty, who are the receiving officers* at the Hospital, no such frauds could have happened, and had the Board of Directors been acquainted with it in the first instance when it happened, we should have prevented it in future.

Q. The Board of Directors knew at that time that such verdict had been given, and those frauds proved, my question is, whether upon your engagement with

Mr. Mellish, any extraordinary caution was taken to prevent similar frauds again?

A. No other than a public advertisement, as I said before.

Q. Whether or not there was not abuses from Plymouth, in regard to the provisions? I apprehend that your answer was, that you did not know that there was, but there was nobody in that part of the world who would undertake that contract but Mr. Mellish; as you have said that, I ask if there was not another person that undertook the contract for the whole of Sir Edward Hawke's fleet?

A. I have told your Lordship, that I don't know any thing of it, of my own knowledge.

Q. Whether Mr. Peter Mellish, senior or junior, are really the same persons as to trade; are they partners, or concerned with one another?

A. I don't know; there was the father, the son, and the uncle, I think, of that name.

Q. Do you really understand any reason why there should be two proposals come in for Greenwich Hospital; one from Peter, senior, the other junior.

A. It is a common thing for Contractors to get a person to tender a larger price, in order that the other may have it.

Q. Then you understand that the offer of these two gentlemen to Greenwich Hospital was a collusion?

A. I do.

Q. I think you said, when you was asked whether Mr. Mellish was not so large a dealer, relative to an affair that happened at Plymouth, that there never was another man that could supply the navy; you was asked whether he was not likely to serve the better, for dealing more largely, than a small dealer. I ask you whether there may be great inconveniences arise, for letting one man monopolize all the contracts of Government?

A. Most certainly.

Q. And whether it might not be much better for some branches of Government to exclude a man when he has another contract?

A. The service must be distressed perhaps, without they give a large price, and even then, people tender sometimes that are not equal to it, and that give security.

Q. You say, one man monopolizing the whole is a great inconvenience.

A. Certainly.

Q. Is there not a way to prevent that?

A. In a public Board, we take every method we can to prevent it.

Q. You took no method to prevent it.

A. By a public advertisement; and if any butcher had been sufficient to have supplied the Hospital, I should have thought he would have offered.

Q. But if Mr. Mellish had been excepted in the advertisement?

A. The Board were of opinion we could not do otherwise, than contract with the man that offered; and I was of the same opinion with the Board.

Q. You have said, that if this matter had been communicated sooner to the Directors, that they would have put a stop to this; what steps would they have taken, different from those they did, when the man was convicted?

A. They would, I apprehend, have prosecuted the butcher immediately, upon the first complaint.

Q. He was prosecuted.

A. I did not, for my own part, know of the complaint till a year after.

Q. But when he was prosecuted and convicted, what steps did the Court of Directors then take, to prevent the like thing happening again?

A. All they did was, making a public advertisement.

Q. Was that any thing different from what they had done before?

A. It was not.

Q. You

* Receiving Officers, Steward and Clerk of the Check, Mr. Godby and Maule.

Q. You know there is a large quantity comes to the Spring markets, at this time of the year, whether that is not the kind of cattle that would come within the price for furnishing the navy, and for furnishing Greenwich Hospital?

A. Not for the navy.

Q. Would it not for Greenwich Hospital?

A. I apprehend it might for Greenwich Hospital, I don't know that they are confined to weight there.

Q. As you have had experience in this matter, I ask you for information, whether you ever knew a man convicted before Mr. Mellish, upon so notorious a breach of contract, as supplying bull-beef, when his contract was for good fat ox beef?

A. Nothing of that kind has happened in my time.

Q. You appear here in a double capacity; you are a Commissioner of the Navy, and also of Greenwich Hospital?

A. A Director of Greenwich Hospital.

Q. As a Director of Greenwich Hospital, do you believe, upon your oath, that there are not a hundred butchers, that could supply Greenwich Hospital? What quantity of meat is eat at Greenwich Hospital?

A. I don't know the quantity.

Q. Do you think there may be two beasts in a week?

A. I can't speak to that; there are officers here can tell you the exact quantity?

Q. Who can inform me of that?

A. The Steward.

[Mr. Marsh withdrew.]

Mr. GODBY called in.

Q. You are Steward of Greenwich Hospital I believe?

A. I am.

Q. What is the quantity of meat consumed in the Hospital?

A. About 860 lb. a day.

Q. How many oxen is that in a week?

A. Three I believe.

Q. Do you believe, upon your oath, that there are not many butchers that could undertake that contract?

A. I believe there are some, because there formerly was a butcher of Greenwich offered to serve Greenwich Hospital, and to the best of my memory, his price was two guineas a hundred weight, which would be about 6 or 700 l. a year, I speak at a guess, more than it was at present.

Q. Must not he be a poor butcher that could not supply three oxen a week?

A. At an exorbitant price no doubt they could.

Q. Why at an exorbitant price?

A. A butcher of Greenwich, who is now present, served Greenwich Hospital at an exorbitant price, and lost money by it.

Q. Did you ever hear that there was any attempt made to get another butcher to bid against Mellish?

A. I don't now that there was.

[Mr. Godby withdrew.]

Mr. MARSH called in again.

Q. Whether you remember upon the proposing to contract with Mr. Mellish, Captain Baillie's objecting to it?

A. I don't.

Q. Do you not recollect that circumstance that has been mentioned by Captain Baillie, of your having mentioned the case of an hop Contractor?

A. It is so long since, and I am at the head of so important a branch of business, that I cannot recollect sufficient to speak to that; but if Captain Baillie says I did say so, I dare say I did.

Q. I mentioned the circumstance of the hop Contractor, to bring to your memory Captain Baillie's objection to Mr. Mellish's having the contract.

A. I don't recollect that—The whole Board of Directors would have wished for any other Contractor.

Q. I understood from the Minutes, that the Governor laid these affidavits of the discovery of the bull beef before the Board of Directors?

A. There were no other tenderers.

Q. You are a Director of Greenwich Hospital, and have been a long time in the business—If the contract had been advertised, with an exception to Mr. Mellish's serving the Hospital, do you imagine that the Hospital would not have immediately been supplied by any person, as well as they were by Mr. Mellish?

A. I have already said, from what happened, I fear not, because there was no other tenderer.

Q. But there was no exception made to Mr. Mellish in your advertisement?

A. There was not.

Q. If any exception had been made to them (the Mellishes) in your advertisement, that the contract would not be entered into with them, whether you do not imagine there would have been immediately proposals made, by which the Hospital would have been as well supplied as it was by them?

A. I cannot speak to that.

Q. I ask your opinion; do you believe this kingdom would not have produced a person or persons, who would make an offer to supply Greenwich Hospital with beef as well as Mr. Mellish, knowing that he was not to be treated with?

A. I should suppose, as it was open to them, they might have tendered if they pleased.

Q. Your opinion seems so vague?

A. It is an honest opinion from my heart, and upon my oath,

[Mr. Marsh withdrew.]

Captain ALLWRIGHT called in, a Captain of the Hospital.

Q. Inform the Committee of what you know of there having been any mismanagement in Greenwich Hospital, and what complaints respecting the provisions have been made to the Court of Directors, or to the Council?

A. I remember many complaints being made; I have been sent at times by the Lieutenant-Governor Baillie into the kitchen, to see the receipt of meat, and to look at the quality; there have been complaints, and there have been complaints in the hall sometimes—I once objected to some meat being received, because it was contrary to the contract; the contract expresses, that the meat shall be received in whole quarters, except some part of the neck taken off, and the legs and shins taken away—I found there was a practice of bringing the beef into the Hospital, with the prime parts cut out of the quarters; the chines, and great part of the roasting pieces were taken from it; I had objected to that, and indeed, once in particular, I objected to it to the Steward.—The Steward paid very little attention to my objection; I went to the Lieutenant-Governor, as I had received my orders from him, and told him that there was little attention paid to it, and that the Steward had received such beef. The Lieutenant-Governor, in consequence of that, ordered me to go back again and call a survey upon it, to send for the Lieutenant of the Week, and with the Clerk of the Cheque, and his Clerk, to survey that meat, to call for the contract, and see whether that did not forbid the receiving such meat. I did so, I gave my opinion, the Lieutenant of the Week agreed in opinion with me; I asked the Steward's opinion, the Steward would not give his opinion; I desired him to go with me to the Lieutenant-Governor; he absolutely refused it, and told me, that I had given my opinion unasked; that he did not send for me to give my opinion; that it was his business to send for me, and not mine to send to him.

K

Q. I don't

Q. I don't want you to enter into particulars; but, in general, have you often observed that there has been bad meat delivered to the men, and that there have been complaints made?

A. There have frequently.

Q. To whom?

A. There have been complaints made in the kitchen, there has been some complaints made, I recollect, to the Board of Directors.

Q. By whom?

A. It was made by the Council; I was not at the making that complaint, but I was at the Council when we complained of the Clerk of the Cheque's Clerk, who had received bad veal, and I never remember any official answers from the Board of Directors.

Q. Had ye any redress?

A. I don't remember any official answer, nor any redress.

Q. *Lord Sandwich.* Was you present when William Fleoe's evidence was taken down?

A. I don't recollect that I was; I was present at some; I recollect that Fleoe did not attend at the trial at Guildhall. I remember he was absent then.

[Captain Allwright withdrew.]

Lieutenant KERR called in.

Q. Give an account to the Committee of what you know of any complaints having been made at Greenwich Hospital relative to provisions in general, and what steps have been taken in consequence of it?

A. When I first came into the Hospital, there was a complaint that the men had been served with shins, necks, and legs of beef; I acquainted Lieutenant-Governor Boys of it; the Lieutenant-Governor complained to the Board of Directors. They immediately sent for the butcher; the meat was brought, the legs, shins, and necks, and shewn to them, and that was redressed immediately upon my complaint to Lieutenant-Governor Boys—after the meat still continued to be complained of. Upon my being upon duty, I complained often to Lieutenant-Governor Boys of it, of the smallness of the pieces, and of the rather blackness as I called it, or badness of the beef. Mr. Boys often ordered the meat to be delivered to the contracting butcher, which was afterwards complained of as illegal; they said, after the meat was boiled, it could not be returned to the butcher, or he make amends for it; that it should have been complained of before it had been boiled. Upon these complaints, I myself thought there had been something extraordinary in it; the meat, when it came, appeared to look very well, but upon being boiled in the copper, it turned out so bad, as I being often upon duty had occasion to see. I found that the meat did not what is called spend so well, that it did not look so well, and did not seem to hang together; I thought there was something wrong when I was upon duty; I had great reason to suspect the butcher's man guilty of a fraud; and as I had often occasion to go to London, I frequently saw the butcher's man at petty alehouses on the road.—I was by a shower of rain forced into an alehouse called the Half-way-house; I saw the butcher's man selling the meat; the woman and he were disputing about the price, whether he should have three-pence or two-pence halfpenny a pound. I sat down, and I heard the conversation go on; I found there was some fraud; I told no body of it, but I was much upon my guard, still finding the meat, during a space of time, to be very short, and giving the men, when they complained, choice pieces did not seem to satisfy them; I complained many times to Lieutenant-Governor Boys, and he could not tell what to do; I then ordered the Boat-swain (I cannot recollect his name now) to be upon his guard, for I told him that I thought there was a fraud; he detected the butcher's man in a leg and fore-quarter, what they call a jigget of mutton, a shoulder of mutton, and part of a breast, to the amount of 40 or 45 pounds; it was brought to the Council; the butcher's man told the Council that

it was the surplus meat belonging to his master; he made it appear to the gentlemen of the Council, I believe then, that it was surplus meat of his master. I myself, in my opinion (if I may use that expression) thought it was not, but I could not prove that it was not so—the meat was ordered to be given him—I thought myself hurt, and I let it drop for six months. I had some business called me to town; as I was coming through Kent-street, I saw the butcher very drunk in an alehouse; I did not go in there to examine, but when I came to enquire, I told the blue frock men.—but I am going too fast—on the Monday I think that I came on duty, I said, Emanuel Tucker, I am come upon duty, if you don't tell your master to send proper meat, I told him by the blessed name of God, that I would complain to the Directors, and have him punished, and the contract taken from him; he said the meat was very good. The meat was complained of, I think it was the Thursday following. I will not be positive to the immediate day, but it was the beef day—I went to Mr. Boys—three pieces had been carried to the Steward's office; it was thought proper, because the meat had been boiled; they were very bad, and I don't believe the pieces when cut up weighed more than five or six ounces for a man; upon this Mr. Boys said he could not tell what to do in it.

Q. You need not be so very particular in all this description, only acquaint the Committee, whether there has not upon the whole been complaints?

A. Yes, I detected the butcher's man in stealing the meat; he was tried and transported.

Q. How long was it from the time that you first suspected these frauds till the time you made the complaint?

A. There were many times complaints, and many times redressed, by giving the men that complained the choicest pieces, and every pains was taken in the office to give the men satisfaction.

Q. You said you had reason to think that there were frauds committed by the butcher from some conversation you heard at an alehouse; how long was it after that when you made the complaint?

A. I was suspicious of the fraud long before, from the badness of the meat, the meat being boiled and not having a proper quantity on the bones; I was called the bone-carrier of Greenwich Hospital, because I detected the bones which he had been serving?

Q. How long after you had these suspicions was it before you made a complaint?

A. The first complaint that I made of the meat—it was a year and an half, I believe, before I could be certain to make any complaint of that fraud.

Q. Then it was an year and half after you had suspicions before you made a complaint?

A. Yes.

Q. Who did you make that complaint to?

A. I never made any complaint to any body, because I could not ascertain it. The complaints that I made was of the beef at different days, that to the Lieutenant-Governor, which was redressed immediately by the Lieutenant-Governor's orders; but the great complaint I never made till the Monday of the week the butcher was detected; I told one Jonathan Fell, you blue frock men are all parties of this fraud, and I shall, I hope, see some of you turned out; the man, conscious of the fraud, wrote an anonymous letter to the Lieutenant-Governor, that he would shew him where the meat was secreted.

Q. How do you know that he did write it?

A. I heard the man confess that he did dictate that letter to another; I asked him that personally; he wrote that upon my saying, that I had them now, I hope I shall detect you, I hope I shall have the pleasure to see you turned out, for you must be concerned in this fraud. I did not make a complaint, because I could not prove it, I only suspected in myself that there was a fraud.

Q. Did you suggest these suspicions to any body?

A. I never did to any one person in the world till afterwards.

Q. Whether

Q. Whether you don't think it extremely easy, for a contracting butcher, in the situation Mr. Mellish was, to commit great frauds, without it being in the power of people of detecting him, and to bring proof of it?

A. I have been in the kitchen, have seen the meat received, and received with great care, but who can withstand an artful cunning fellow, after the officer had received it, when we went in and detected him; if we had not gone in as we did, it would not have been in the power of man to detect him, because he said it was the surplus meat; I enquired, and found, that there was a pound and an half, or two pounds of surplus meat, therefore if he had sixty pounds, he must have stole it.

Q. Then do you think it extremely difficult to detect frauds in the butcher?

A. Certainly.

Q. It is not the butcher, but the butcher's man you allude to?

A. Yes.

Q. And it is not the butcher himself, but his man, that all this transaction related to?

A. Yes.

Q. But do you think it easy for the contracting butcher himself, to carry on frauds without being detected?

A. I cannot think it can, because there is the Steward and so many other officers all there, and it is impossible for me to think that any fraud can be committed; the meat is seen and examined, if they commit it, they must be all concerned.

Q. Whether you imagine, that the fraud of selling bull beef, and bull stag beef, was carried on for a considerable time, before it was discovered?

A. Yes, I think it was; but I cannot see how that can be, when the meat is served in, so I have said several times, that I really believe this is bull beef, but I could not ascertain that it was; I have said often that I believed it was so.

Q. Am I to understand, that you believe that there were abuses in the contract from the butcher himself, a long time before it was detected?

A. I do believe that there was, to the best of my knowledge, there has been meat returned, and very bad.

Q. Did any of the pensioners ever complain that the beef was very tough?

A. They have; that complaint has been, and I have acquainted the Lieutenant-Governor of it, and they have had a choice piece the next day, and every step was taken to regulate it.

Q. Was there any particular reason ever asked, after the complaint was first made, why it was not lodged with the proper officers, the Directors; was there any intimidation?

A. Never, none to my knowledge.

[Lieutenant Kerr withdrew.]

Lieutenant SMITH called in.

Q. Give an account to the Committee, of what you know relative to the mismanagement of the Hospital, in respect to the provisions?

A. I have known very frequent reason to complain of the beef particularly, and many complaints were made to my superior Officers; I did make it to Sir Charles Hardy; I have made it repeatedly to Mr. Baillie; I not only did it from complaints of the men, but have done it of my own accord; because there is a letter from the Lords of the Admiralty, dated some years back, wherein the officers in general are reflected upon for suffering abuses, when they knew them to exist; in consequence of that letter, I thought it my duty to inform my superior officers of such abuses. One day in particular, in which I was happy to find the butcher prosecuted for bad meat, which I discovered (Mr. Everest called to tell me of it) as the meat was going forward, without any complaint being made to me by any of the pensioners; I stopped it, having seen before bull beef

boiled, which I had seen in the country given away by noblemen; I took no notice of the first, second or third dishes, but afterwards I stopped one dish, and sent them all to the Lieutenant-Governor; at that time Captain Clements did not attend so much to his duty, therefore I did not trouble him; I sent dish after dish to Captain Baillie?

Q. Do you recollect any thing about bad veal?

A. Certainly I do; the complaint was made very properly, as I thought, by the Infirmary Gentlemen; I believe Dr. Hoffack and Mr. Pocock, the Dispenser; were the two principal people that brought it to light; that upon its being examined, we all declared it to be bad.

Q. Was complaint made of it?

A. There was.

Q. Who to?

A. First of all to the Council, after then it was laid before the Board of Directors, to that we never had any answer.

Q. Was it ever redressed?

A. I don't know whether it was, for I heard nothing about it afterwards.

Q. Pray who receives the meat in the kitchens from the butcher?

A. The Steward and the Clerk of the Cheque are the proper officers to receive it, but it is frequently left to their deputies, who, I suppose, are very worthy people for what I know, I may be deceived.

Q. It is the duty of some of the officers to attend in the kitchen?

A. The Commissioned Officers take it in turn to attend in the kitchen, and if they see any abuses or frauds, they are to make it known.

Q. Was you ever obstructed in it?

A. No, never.

Q. Is bull beef easily to be distinguished from ox beef after it is dressed?

A. Yes, I think so; I had frequently seen bad beef; and afterwards it appeared before Lord Mansfield, that the man was convicted upon that very action as bull beef; my own suggestion was, because it was shrivelled up, and appeared very black, and not to be full weight if it was weighed.

Q. Was this discovered frequently?

A. I cannot say that, I only discovered of my own accord, after a complaint from a pensioner.

[Lieutenant Smith withdrew.]

Thursday, the 18th of March, 1779.

Mr. ALEXANDER MOORE called in.

Q. What are you in Greenwich Hospital?

A. Cook of one part of it at present.

Q. How long have you been in the Hospital?

A. Since September, 1774.

Q. What do you know of there having been bad provisions served to the Hospital?

A. When I came to the Hospital, I was rather amazed to see such provisions served to the Hospital; but was not acquainted with the contracts that were entered into; being acquainted from my youth in breeding and feeding cattle, I was acquainted with these meats; I found them to be nothing but bull's flesh and bull stags, and so on, and mutton in the turn much the same as ram, and ewe mutton especially, a mixture of all sorts.

Q. Was this only occasionally or frequently, generally?

A. All the time, from the 29th of September, 1774, to the 1st of June, 1775, I believe certainly there was not a lot that was killed real ox, or weather mutton?

Q. Do you mean that it was constantly bad meat, or only occasionally?

A. Every day.

Q. What the beef and the mutton both?

A. The pensioners were continually grumbling; and it was so bad, that at that time of day we received

ceived more meat than we do now, because some pensioners are gone out of the House.

Q. Did you complain of this?

A. I did not know what the contract was; I was a stranger; I did not know any thing about it; I was afraid. The contract was to be out in March; the people murmured a good deal; they thought some other butcher would have it; the contract was expired, and a fresh contract given to Mr. Mellish again. The very first day of the contract, nothing but bull beef came for that day; so it went on. I frequently complained to the butcher's men; I told them to tell their master the meat was not fit to eat. I asked him next day what the master said; they used to tell me the master asked who enquired after it, and they told him; the answer he gave to the servants was, never mind them, they don't know any thing about it. I found it not bearable; I acquainted Captain Baillie, the Lieutenant-Governor; I told him there were iniquitous affairs carrying on in the Hospital; I enquired what price the meat was; he told me it was then near a groat a pound; the contract was for ox beef and weather mutton at that time; from that ten months, Mr. Mellish had very artfully in his trade killed many ewes, besides rams and ram stags, which is generally in breeding of sheep; a farmer will generally keep thirty or forty weather lambs uncut, because they can frequently sell them for a good price; if they don't turn out well, they cut them, which are not so good as weather lambs, nor so bad as rams; these rams are not known very well, only by the entrail parts, and chiefly the fat of them, as any person that is acquainted with them knows, lies in the neck; those animals that are uncut of all kinds, are very thick in the fore parts, and are very easy to be known by a person that is any judge of it.

Q. When did you make your complaint?

A. On the 1st of June, 1775, the meat was amazing bad; I told the butcher's man that morning I would not take it; he was in a great hurry to fetch the Steward to pass it; Mr. Coates, the Clerk of the Cheque's Assistant, came in, looked at the beef, said he thought it was pretty good; I said I hoped he would not take it, it was nothing but bull's flesh. The Steward, Mr. Godby, came in, looked at it, said he thought it pretty good. Mr. Coates told Mr. Godby what I had said; a survey was made of the meat; Captain Lyne and Lieutenant Bosson, came to survey the meat. The Governor was then acquainted with it; I told them not to take my word what it was, but send for any butcher in the kingdom; and if it was not bull's flesh, I would forfeit my life; however, the Gentlemen went to the Steward's house; they had a meeting, and the Steward acquainted Sir Charles Hardy, the Governor; Sir Charles ordered the meat to be boiled that day, and it was boiled; the Gentlemen then came to taste of it afterwards; I omitted one thing in the interim of that time, Mr. Coates and Mr. Ball, the Steward's Clerk, wanted me to drop it, and say nothing about it any more; they would see it rectified.

Q. Who are they?

A. One is Clerk Assistant to the Cheque, and the other is the Steward; I then thought I was wronging my own conscience; I thought, if I should be called upon to come, I was not satisfied in my mind. I saved some pieces of that meat particularly, and acquainted the Lieutenant-Governor of it, and told him what it was; he then, I suppose, acquainted Sir Charles Hardy; and I told the Lieutenant-Governor, that the butcher's servants that day had said they were sorry they should bring such meat down to Greenwich Hospital, but they could not help it, it was their master's orders; I asked them if they would choose to say that before the Lieutenant-Governor, or any Justice of Peace; they said they were willing to say it any where; they were very much ashamed to bring it down.

Q. What is the difference of the price of the meat that was furnished for that ten months, and the contract price?

A. I look upon it that bull-beef in any part of the country is not worth above three half-pence a pound; Mr. Mellish in his business, I look upon it, might buy it alive at a penny a pound.

Q. You made your complaint you say on the 1st of June to Captain Baillie?

A. Yes, and to the proper officers of the Hospital.

Q. You mentioned that Mr. Godby's Clerk, and the Clerk of the Cheque's Clerk had persuaded you not to take any notice of it?

A. Yes, that very morning.

Q. Did any body else persuade you at any other time not to take any notice of it?

A. Yes, afterwards, but not that day.

Q. Give an account of that?

A. On the 9th of June, 1775, nine days after that date, Mr. Baillie went up with Captain Allwright to London; two of the butcher's men met Captain Baillie at Justice Pell's, in Well-Close Square; they were willing to give in their affidavits that they had, from the time that they lived with Mr. Mellish, never at any time brought any parcel of real ox beef or weather mutton, down at the time that they lived with Mr. Mellish, both of them.

Q. That was not to your knowledge; you did not hear them say that?

A. Yes, I did, and gave my affidavit to the same on the same day.

Q. It is no matter what they said; but you say they did not. What other persons endeavoured to persuade you not to make this complaint known?

A. After this was done, upon the 11th of June, which to the best of my remembrance was Sunday at night. Mr. Godby sent for me to his house, told me there would be some enquiry upon the complaints of the meat, begged that I would not say that any bull beef had been delivered into the Hospital; I told him my conscience cannot do it; he said he was very sorry that I did not acquaint him sooner; that he would not have accepted of it; I told him I had told him enough of it before?

Q. What did he desire you to do?

A. He desired, that if I should be called, to say that there was no bull beef ever delivered to the Hospital.

Q. Repeat that conversation that you had with Mr. Godby directly as it happened in point of time?

A. Upon the 11th of June, a Sunday night, Mr. Godby sent for me to his own house, and in his own parlour he told me, that there would be some enquiry made about the meat; he hoped I would not say any thing that there had been bull beef delivered to the Hospital. I told him that I certainly could not deny the truth; that I certainly must speak the truth; that there had been all the time I had been there.

Q. What did Mr. Godby say about it?

A. Mr. Godby did not say any thing farther about it; only he said, if I had told him of it before, he would not have accepted of it; I repeated that I had told him several times.

Q. And had you in fact told him?

A. I did on the 1st of June, and told him it had been so all the time I had been there.

Q. To what time did Mr. Godby refer, when he said if you told him before; did he mean before the 1st of June, or any other time?

A. No such words passed as that.

Q. What did you understand that he meant, when he said he wished you had told him so before?

A. I cannot tell what he might think when he said that.

Q. Did any body else endeavour to persuade you not to speak about it?

A. Yes, upon the 12th or 13th of June, the Rev. Mr. Cooke sent for me to his apartments, and had

had a good deal of conversation about the meat, and said he thought that bull stag beef, and such like, was very good for the pensioners, as they are well clothed and laid in good beds, and so on; that he thought it might do very well; I reasoned a good deal about it; told Mr Cook that there was as much difference between bull beef and ox beef, as between a piece of coarse hop-bag and fine cloth?

Q. Did he endeavour to persuade you not to say there had been bull beef?

A. He did not say much about that; he only argued that the beef was so and so; he did not persuade me.

Q. Was it all bull beef? From the time you came there, had you no good beef?

A. Often we had a good quarter; but a mixture of that sort.

Q. But, in general, during the whole course of that ten months, from September to June, was the beef bull or bull stag beef, or good ox beef?

A. It was all in general very bad.

Q. Do you imagine, for instance, that there was any day that passed in which it was all good?

A. Not one.

Q. Was there any day in which there was no proportion of good?

A. There might be one part or two parts good; one very good quarter; two quarters will do at one kitchen; there might be one quarter of bull or bull stag, and one quarter made up of fairish good sort of meat?

Q. That is half and half?

A. Not so much; most worse.

Q. The days you speak of there was one quarter of the right sort of beef, and one quarter of this sort?

A. Sometimes.

Q. Did that happen every day?

A. No.

Q. How often did it happen?

A. It might be once a week or so.

Q. How many times did it happen in the whole year, that bull beef was brought in instead of ox beef?

A. There never was a day, for ten months, that a real lot of ox beef was brought in.

Q. What did you mean by saying, just now, that once a week it happened?

A. That a quarter might be good, and the rest bad.

Q. What was the proportion of good and bad? What was the whole quantity brought in?

A. About 460lb. a day to each kitchen.

Q. How many pounds of that 460lb. were bad beef?

A. May be 300lb.

Q. And this happened every day, or once a week?

A. Every day.

Q. Every day during all that time?

A. Yes.

Q. How long have you been at Greenwich Hospital?

A. Ever since the 29th of September, 1774.

Q. Has this practice of giving bad meat to the men, prevailed ever since?

A. No.

Q. In how much of that time have you had good or bad meat?

A. Since the butcher has been convicted it has been in general very good.

Q. Before the butcher was convicted, how long had you bad meat?

A. For ten months.

Q. And since that time you have had tolerable good meat?

A. Yes.

Q. Have you had any bull beef since?

A. No, none I believe.

Q. Explain what you mean by bull stags?

A. It happens among those animals of bulls they are subject to a disorder, they call it, that they take firing; after they are past serving cows, they are cut.

Q. Do you mean to say, that from the time these complaints were made, in June, 1775, that the Butcher altered his behaviour to the Hospital, and gave you the meat he ought to do?

A. Yes.

Q. Would an inspection of the meat shew how long that bull had been cut? Can you distinguish if it had been cut a considerable time before? Can you distinguish that from ox beef?

A. Yes, very easy, either dead or alive; more alive than dead.

Q. How do you distinguish it?

A. By the shape and make of them; these animals are very thick in the neck, from an ox that is cut when it is young.

Q. In the mean time that you found this bull beef and bull stag beef delivered into the kitchen, that you had not made any complaint, had you been advised by any friend, for your own interest, to hold your tongue upon it?

A. No.

Q. You will explain that matter, about the beef being good since the prosecution?

A. It has been very good in general; sometimes no butcher in the kingdom can make it all alike; sometimes there have been lots of beef and mutton that were not extraordinary.

Q. Were there any complaints in 1776, or 1777, respecting sow pork?

A. Yes, it will be two years, the 22d of April next.

Q. Then it was in April, 1777?

A. Yes; it was the pork day, before the Founder's day, as it is called.

Q. What butcher was it from?

A. Mr. Mellish.

Q. How was it complained of?

A. I believe it would have passed without any complaint; I did not mean to make any complaint of it; I did see it. A Lieutenant, who had no meaning, happened to speak of it in the Council-Room; and on the Friday night, and the next Board day, the Gentlemen of the Hospital, the Steward, and Clerk of the Cheque, and some other people, wrote against this Lieutenant to the Board, for mutiny, for saying there was sow pork in the bin that day.

Q. But you are a judge of the matter; was there sow pork delivered in March 1777, or not?

A. Yes; there was one sow delivered with the teats cut off.

Q. Was there only one sow?

A. Only one.

Q. That has not been repeated, has it?

A. No, never.

Q. How much pork was sent in that day?

A. Between 13 and 14 cwt.

Q. How much did that sow weigh?

A. We did not weigh one by itself; it is all weighed in one scale.

[Alexander Moore withdrew.]

Captain BAILLIE called in.

Q. Whether you received, at any time, any thanks from any body for prosecuting, in this business, either of the butcher or of the servants?

A. I received a very honourable testimony of my poor services, in the transportation of the butcher's servant, from the First Lord of the Admiralty, when he was transported.

Q. In what manner did you receive that testimony?

A. I had written a letter to his Lordship, upon that occasion, setting forth the abuse that had been committed in the Hospital; and his Lordship was pleased to send me a letter acknowledging, that my services were very laudable, and, in his estimation, very proper and right.

Q. Have you that letter about you?

A. Yes.

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Q. I

Q. I suppose the noble Lord has no objection to its being read?

The Earl of Sandwich. Not in the least.

Captain Baillie then read the following letter.

S I R, *Admiralty, October 6, 1772.*

I was favoured with yours some days ago, and think your activity, to bring the perpetrators of the late abuses to justice, highly laudable; and I should imagine you must feel much self-satisfaction, as I am satisfied you have done yourself real credit. This, however, makes me much at a loss to understand, why you are uneasy in your situation, nor can I guess what sort of retreat you have in view; as nothing occurs to me, in this department, that can be an object of your pursuit, after your retirement upon the noble Foundation where you are now settled.

I am, with great regard,

Your most obedient,

To

Humble Servant,

Captain Baillie.

(Signed) SANDWICH.

Q. What made you uneasy in your situation, as you have represented?

A. When I was a Captain of the Hospital, I clearly saw that if ever I arrived at the Lieutenant-Government of the Hospital, that I had a torrent of abuses to stem; which made me very indifferent about any preferment in Greenwich Hospital; and even at that time of day, I would have gone out of the Hospital upon any terms; and after that represented my situation to Lord Sandwich, and would have gone to any part of his Majesty's dominions, to have gone out of Greenwich Hospital; but it was my fate to stay there, and I have discharged my duty, in every part of my office, to the best of my ability.

Q. Was there any thanks about the butcher?

A. When the butcher was prosecuted, and when depositions were taken before Mr. Pell, I inclosed authentic copies of those depositions to the First Lord of the Admiralty, and was quite astonished that I received no answer or support from his Lordship upon that occasion; and upon an interview with his Lordship afterwards, I was received in a manner that I did not expect, in a very cool manner. I entreated his Lordship to take the contract from Mr. Mellish; that a man who had cheated the Hospital, by both himself and his servants, would persevere in the same kind of conduct; and I believe he has, till since the last conviction.

Q. What time was it you sent an account of your detection of the butcher?

A. Soon after the 9th of June, I inclosed the depositions already mentioned to his Lordship; I did not choose to write to the Board of Admiralty, because I thought it would not be proper to disclose the whole internal management of Greenwich Hospital to the Board, therefore I sent it more privately to his Lordship.

Q. Inform the Committee what number of Clerks, deputies or servants, who are not seafaring men, have apartments in the Hospital, and those that have wards?

A. I believe in all, twenty-six, twenty-seven, or twenty-eight officers, under officers, and servants of the establishment, that are actually lodged within the walls of the Hospital, and some in the wards of the pensioners; if your Lordships please, I will begin with Mr. Eden; he has a large apartment at the South end of the buildings, called *Queen Ann's Buildings*. Mr. Ibbertson has a very handsome and spacious apartment, at the other end of the same building, two large stair-cases leading to those apartments, communicate with several of the wards in that quarter; these stair-cases are not enclosed, but the avenues leading to the several wards, are enclosed for the private convenience of these gentlemen; I have been often obstructed in my duty, in visiting those wards, because there now remains only a narrow stair case

leading to them; it has been my pleasure and my pride, to shew that Hospital to several foreign Princes, particularly to the Prince of Brunswick, two Princes of Hesse, &c. &c. but that quarter of the Hospital is not now shewn to strangers upon that account, not to mention the other inconveniencies. There are besides, the Reverend Mr. Cooke; he is lodged there as Chaplain of the Hospital; the Reverend Mr. Maule, and Mr. Godby, have handsome apartments, Mr. Godby has had an addition to his apartments; the Secretary to Sir John Norris, brought up a large family in that apartment, without requiring any addition to it; Mr. Godby has had an additional room or two since, his apartment not being thought large enough.

Q. What was that room taken out of?

A. I believe part of one of the offices, either out of his own or the Treasurer's-office, an exchange was made upon that occasion.

Q. Upon the whole, there is twenty-six or twenty-seven landmen, who are lodged in the wards of the pensioners?

A. Not so many landmen actually lodged in the wards of the pensioners, some of them are in apartments in the Hospital.

Q. How many are lodged in the wards?

A. Francis Cook, Secretary's Clerk, has a handsome apartment in the wards of the pensioners, I believe little inferior to a Captain's apartment; he occupies to the amount of twenty-four or twenty-six cabins.

Q. How many cabins of pensioners do you think are occupied by Officers in the House?

A. If I include the Officers, there are several Officers lodged in that part of the building, that were originally intended, certainly for wards, because the proper apartments are occupied by others, who don't appear to me to have a right in the establishment; Lieutenant Gordon is lodged in a part of the Hospital founded for wards; Lieutenant Kerr, the Clerk of the Cheque, the two Matrons, and the Clerk of the Works, but there are about forty-eight or fifty cabins occupied by intruders, that have been cabins during my time?

Q. Upon the whole, how many cabins of pensioners are occupied by Officers?

A. Really I cannot tell how many cabins, because some of those cabins were occupied before I came into the Hospital, but there are about forty-eight so occupied, that have been cabins, that I remember the greater part of, if not all of them.

Q. Is there any objection for want of room for the pensioners?

A. There is certainly rooms sufficient for the number of pensioners that inhabit at present, but there are always seamen waiting in expectation of admission?

Q. *Lord Sandwich.* Was that the answer, that there were always seamen waiting to be admitted?

A. I understand there are always people coming down to Greenwich Hospital, intreating for admission.

Q. Do you say, that you know that there are seamen waiting to be admitted?

A. I have often heard it.

Q. Speak from your own knowledge; do you know any such thing?

A. I know an extraordinary instance of a seaman, that did not get admission into the Hospital; I don't know at present.

Q. Whether you don't know of any vacancy at the present time for pensioners?

A. I am not in office at Greenwich Hospital at present.

Q. I ask you if you don't know that there is any vacancy for pensioners? How can you say that there are seamen waiting to be admitted?

A. I understood it to have been always the case, that there are a number upon the list at the Admiralty.

Q. Do

Q. Do you say it is so now?

A. I don't say so by any means, because I don't know the list of the Admiralty; I cannot judge of that.

Q. Be so good as give the remarkable instance you mentioned that you have known?

A. I knew a particular instance of a seaman, who was recommended by Admiral Barrington, to be admitted into Greenwich Hospital, the man died in Greenwich, in the room of a mess-mate of his, that was a pensioner in Greenwich Hospital, he died with twenty years servitude in his pocket, which I can produce; he had been at the Admiralty between the examinations, they examine but once in three months, and he (between the examinations) died, and did not get admittance into the Hospital. I don't mean to bring any charge against any person, for that it might be an accidental thing, and I believe it was.

Q. How many examinations do they go through at the Admiralty?

A. I cannot say as to that; I believe but once, on the first Thursday in the quarter.

Q. How many pensioners are lodged in the Hospital?

A. Two thousand one hundred and sixty-nine, besides nurses and boys.

Q. Do you ever remember a time when more were lodged in the Hospital than now?

A. I believe there never were more.

Q. Then where is the difference between one time and another? if there is always sufficient for this purpose, and there never was more, the wards of the Pensioners might be as well given up for other purposes as not?

A. It would hold more pensioners, fifty more, if those cabins were given up for that purpose; when I came into the Hospital, there was not above fifteen hundred pensioners, they are continually increasing; as the funds of the Hospital increase, so the pensioners increase, because I humbly imagine, there are always objects sufficient; we have five hundred out-pensioners now.

Q. Where was the mischief in taking off forty-eight or fifty of these cabins of the pensioners, when the remainder of the Hospital was more than sufficient to lodge all the pensioners in it?

A. There are more than five hundred out-pensioners now, I dare say, every man of them would be glad to get into the Hospital if they could.

Q. Are they out-pensioners from choice, or how is that?

A. The one has 7l. a year, the other has a much better establishment.

Q. How many out-pensioners are there now?

A. It is uncertain to say now; I believe about five hundred; some of them go to the East-Indies and abroad; it is difficult to ascertain them.

Q. How many men might be admitted, if those out-pensioners were to be received?

A. If those gentlemen I have named were removed, I suppose the Hospital would contain two hundred more pensioners.

Q. But if they were removed, would there be room to lodge so many more pensioners conveniently?

A. If the persons that have no right to Greenwich Hospital were removed, there would be room for a great many more than there are now.

Eleven following questions by Lord Sandwich.

Q. Do you mean that all those apartments of the Hospital have been cabins formerly?

A. No, I do not mean to explain myself in that manner.

Q. Have these cabins been taken away from men that inhabited them?

A. Yes, about forty-eight.

Q. About forty-eight have been taken away. Was the number of pensioners dismissed when they were taken away?

A. I don't say that they have been turned out of Greenwich Hospital, but there has been so many less admitted.

Q. Less admitted? there is a certain number established when those cabins were taken away to be fitted up for rooms for the Officers, whether all the pensioners had not been admitted?

A. Nobody has been turned out of the Hospital, but those apartments have been destroyed, and other apartments made up for pensioners.

Q. If those Officers were turned out of the Hospital, must not lodgings be taken for them in the town, or some where else?

A. No; because I don't understand that they have any right to the establishment, those Clerks that have not been at sea?

Q. Suppose they had been all seamen, you will allow, I suppose, that it is necessary to have some Clerks and people to go on with the business of the Hospital?

A. Yes; but I don't think that a Charity, like Greenwich Hospital, should be incumbered with people that have never been at sea in their lives.

Q. But supposing those Clerks were all seamen, then are they, or are they not, necessary for carrying on the business of the Hospital?

A. The business of Greenwich Hospital cannot be carried on without Clerks; but there is such a number of landmen lodged in the Hospital, that they outnumber the Sea Officers in proportion, because those twenty-six or twenty-seven are more than we have Captains or Lieutenants, or Naval Officers, in the Hospital.

Q. Does not a man who has been at sea take up as much room in a bed, or in an apartment, as a man who has not been at sea?

A. One of these men take up six, nay, ten times as much room as a common pensioner.

Q. But a pensioner or a Clerk, being a seaman, takes up as much room as a landman, does he not?

A. One of those Clerks take up much more room.

Q. You was asked by the noble Lord, whether one man does not take up as much room as another?

A. Certainly so.

Q. Did the taking away these fifty cabins leave less room for the pensioners than formerly?

A. Certainly.

Q. *Lord Chesterfield.* How came you in your letter, after the fire, to desire that a lodging might be appointed for you; after that fire you say there was room for all the burnt-out pensioners, and for you into the bargain?

A. In the first place, the service has required the aid and assistance of a great number of pensioners from Greenwich Hospital; I did myself procure two hundred and fifty or three hundred men to fit out the different ships in the river; when, before my return from Brighthelmston last year, they could not raise above forty; the men burnt out are, I apprehend, lodged in their cabins; there are about two hundred more have leave to lie out of the Hospital with their wives and families; and I conclude, of course, that those men's beds are occupied who lie out.

Q. How came you to write such a letter from a conclusion? How many cabins were destroyed by the fire?

A. I was not in office then; about two hundred and fifty, I imagine, or two hundred.

Q. If the Clerks lodged out, would not their lodging be liable to be paid for by the Charity?

A. There is no such establishment.

Q. If the handsome and spacious apartments which are allotted to these gentlemen were contracted, so as to give them a decent and convenient habitation, would not the Hospital, upon such an alteration as that, be able to contain a great many more pensioners?

A. It would be very difficult to contract some of those apartments, unless you put the Officers only upon one floor; that part of the building was intended originally as a palace; it was not finished in snug small apartments.

Q. Then I understand you it would be difficult, or very inconvenient, to convert some of these apartments into pensioners wards or cabins?

A. Some

A. Some of these apartments might be easily converted into apartments for the Lieutenants who occupy wards; and then the pensioners might be put into their apartments, which were intended for wards.

Q. They could make such an alteration to make it convenient for the Officers?

A. Yes.

Q. And what do you think might be the number of pensioners that might be added to the Hospital?

A. Fifty. Some of them might be altered in a short time and at a little expence.

Q. And should you have room enough then to lodge the Officers who are lodged there at present?

A. No; I speak of the Clerks, who I think have no right to lodge there at all.

Q. Have there not been considerable enlargements made to the apartments of several of these Officers?

A. Yes, some additional apartments.

Q. Have they been considerable; and to what amount?

A. In 1771 or 1772, eleven cabins were taken away to accommodate Mr. Ibbetson; I complained of it to the Lords of the Admiralty, and that was redressed.

Q. I want to know what have been unredressed?

A. The Secretary's Clerk, the Clerk of the Cheque's Clerk, the Steward's Clerk, have had apartments, which have not been redressed.

Q. Are those apartments taken from the pensioners wards?

A. Most of them were.

Q. Were the additions to the Steward's Clerk taken from the pensioners wards?

A. No; that was a part taken in the new building that would have lodged a Lieutenant very well.

Q. *Lord Sandwich.* Whether I did not myself make it my business to have Mr. Ibbetson's cabins immediately restored to the pensioners?

A. I had the honour to lay that complaint before your Lordship at the Admiralty; I waited all day; I had no answer of any sort directly or indirectly, and never knew that the cabins were to be restored till I saw them putting up again.

Q. *Lord Sandwich.* I have not had an answer; my question was, whether you don't know that the moment I heard of these cabins being pulled down I made it my business to call a General Court, and ordered them to be put up again in three weeks?

A. They were put up again.

Q. *Lord Sandwich.* And you don't know that I ordered it?

A. No.

Q. Pray do you know whether the revenue of the Hospital will bear the addition of more pensioners than are in it at this time?

A. I believe, if there was the same sort of frugality in every other department in the expences of the Hospital that is held out towards the pensioners, it would: the Directors are reserved and sparing in every thing that concerns the pensioners, such as their shoes and stockings; in every article concerning the pensioners; and in my humble opinion, great part of the revenue of the Hospital is laid out in many unnecessary alterations, reparations, and buildings, when we have not money to pay for it.

Q. As it is, I desire to know whether the revenue of the Hospital will bear more pensioners than are now in it?

A. I can't pretend to answer that question precisely. the expence of the pensioners now is 30s. or 32s. per man, per annum, more than it was, and I positively say, the necessaries have been worse.

Q. Do you know that any money has been applied for to Parliament this year and the last towards the support of Greenwich Hospital?

A. I have not seen the votes to know what has been done this year; but I believe in the last three years they have had £.15,000, £.6000, £.4000, and £.5000.

Q. I think you said there had been about forty-eight cabins taken from the pensioners since your memory, for the increase of the apartments of different Officers; did you say so or not?

A. I don't speak exactly to forty-eight, but thereabouts, it might be two or three more or less.

Q. Were there additional Officers accommodated that it was necessary to take these cabins?

A. There was no Officer accommodated, but these Clerks, in that part.

Q. Where were the Clerks lodged before?

A. Some of them had no lodgings in the Hospital before.

Q. Was the business of the Hospital carried on as well before as it has been since?

A. Much better; there was not then that faction or party of landmen that there is at present.

Q. Was the duty of the Hospital carried on better or worse?

A. Full as well; because they have introduced not only themselves, but their wives and families.

Q. Whether these forty-eight cabins, or thereabouts, were taken for the purpose of putting in them fresh Officers, or Clerks, or Servants, or were they for enlarging the apartments of those gentlemen?

A. I believe the greater part of them were for entire new apartments; there was one apartment that was appropriated for the use of the Governor's Clerk. In consequence of so many cabins being taken away before, there was not room for the pensioners, and then that apartment he had was converted into cabins, and another apartment given him in the new building.

Q. Where were the chief of those Clerks and people lodged before those forty-eight cabins were applied to their use?

A. I don't know that they had any lodgings but what they paid for in the town on their own account. For instance, the Secretary's Clerk; he has no business in Greenwich Hospital but once in three weeks for about two hours; the Boards of Directors are principally held in London.

Q. You was asked, if there is not a fixed number of pensioners in Greenwich Hospital? Do you know of any fixed number?

A. I don't know of any fixed number, according to the room we have; the men have increased considerably.

Q. Is there not always a certain, fixed number that are upon the establishment there?

A. According to the number of cabins we have to accommodate them?

Q. This goes to the former point; you don't build cabins, do you, unless the revenue will pay the building of the cabins, and for the nourishment of the inhabitants of those cabins? Do you think it for the advantage of the Hospital to lay out money in building cabins, when you can't afford to find provisions to maintain the people that are to inhabit them?

A. I think it would be much more for the benefit of Greenwich Hospital to find cabins for pensioners, than to lay out 1500l. at one stroke, for cleaning the Painted Hall, and 1200l. for obtaining a new Charter.

Q. You said, heretofore, several of the Clerks were lodged out of the Hospital; I should be glad to know, whether they had any increase of salary to provide lodgings? Or were lodgings provided and paid for out of the Hospital's funds?

A. I believe one Steward's Clerk had a little matter allowed him, to pay for a lodging in town. In that case, neither his family, nor children, nor servants, were entailed on the Hospital, which is a great expence to it.

Q. When he got an apartment in the Hospital, was that little taken off?

A. Certainly.

Q. You say by receiving the wives and families into the Hospital, that they become a burthen upon the Hospital. Are they maintained by the Hospital?

A. The

A. The Surgeon and Apothecary's bills run high; they are entitled to the advice of those persons; that entails not only one but ten persons, perhaps. They are allowed several other little things, beside their apartments; and small beer without excise, and all those little kind of things.

Q. *Lord Chesterfield.* Has your family been any additional expence to the Hospital?

A. By the institution of the Hospital, every Officer's family is allowed those indulgences.

Q. Was your family any additional expence to the Hospital?

A. I believe not more than any other Officer; I believe a great deal less than any other Officer's family in the Hospital.

Q. If I understand you right, those additional Officers that were before lodged in the town, are lodged in the Hospital now; by which means they have removed about forty-eight cabins, or thereabouts?

A. I don't know where they lodged before; they did not lodge in the Hospital; some lodged in London, some in Deptford.

Q. You have been asked, whether it would be advantageous to the Hospital to have more cabins than they have a fund for providing for the people? You was, I think, asked that question?

A. I was.

Q. What was your answer to that?

A. Certainly, I think, Parliament would not begrudge a small matter to the seamen of the Hospital, if the revenue should fall a little short.

Q. If I misunderstood you, you will set me right. Did not you say you think there might be a great many more pensioners maintained, if there was a proper economy in the Hospital?

A. I do think a considerable number more; I think so sincerely in my conscience?

Q. And in that case, if there were more pensioners, would not the additional cabins, that are now given to those Officers and servants, be wanted for them?

A. Certainly.

Q. May it not be an inducement to those Officers, knowing they would be turned out of their cabins, not to increase the number of pensioners?

A. It does not depend upon those Officers.

Q. If the fund was increased for the pensioners, might there not be more rooms made in the Hospital for pensioners?

A. Certainly there might.

Q. Without removing those Officers you complain of?

A. I don't know that there could.

Q. Was there any room, before the fire, to put up more cabins, without removing any of the Clerks out of the Hospital?

A. I believe not, unless the Infirmary were to be filled; we always keep a little spare room, in case of any epidemic distemper.

Q. How many spare rooms do you keep?

A. Thirty or forty cabins, I believe, from memory.

Q. *Lord Sandwich.* Was not some of those rooms taken away, and had cabins put in them, since I have been at the Admiralty?

A. There have been some fire places taken away, to make more room, at a very considerable expence.

Q. But has it been done?

A. Yes; but if the Clerks had been removed, it would have been done without any expence hardly.

Q. Don't the out-pensioners come up here, every year, to receive their pay?

A. No, at their own pleasure, as it suits them; sometimes they make a voyage to the East or West Indies, and then come and get their money, or it is paid to their Attornies.

Q. Suppose they are in England, are they not obliged to come and receive their pension?

A. Not unless they chuse it; their money is remitted to their Attornies.

Q. Without their coming up?

A. Yes, without the expence or trouble of coming up.

Q. There are out-pensioners live as far off as Liverpool?

A. In all parts of the kingdom.

Q. Do you know any at Liverpool?

A. Not particularly.

Q. But you say there are some who would wish to be in-pensioners?

A. I believe the greater part of them.

Q. Have they some difficulty to receive their money?

A. I don't believe they have any difficulty to get it; it is always paid regularly.

Q. You think it an advantage to be an in-pensioner?

A. Yes.

Q. How many out-pensioners do you think there are now, that would wish to be in-pensioners.

A. I dare say more than half, three quarters perhaps; there are very few but what would wish to be in Greenwich Hospital.

Q. How many in-pensioners do you think there are at this time, that are not seamen?

A. I believe they are all seafaring men; I don't know any abuse in that particular; I don't know of any such.

Q. Whether it is necessary for an out-pensioner to come to London to receive his pay?

A. No, I believe it is not; they have it remitted to them, with all facility, to the different Collectors where they happen to live.

Q. Inform the Committee what money is given to the pensioners of the Hospital, instead of provisions?

A. There is a great deal of money given to the pensioners instead of provisions, I believe to at least half the pensioners. We have very near two thousand four hundred, including pensioners, nurses, and boys, and I don't think we feed, upon an average, one thousand.

Q. Please to repeat what you have just said?

A. We have two thousand one hundred and sixty nine pensioners, one hundred and thirty nurses, and one hundred and forty boys out of that number, amounting to about two thousand four hundred; we feed about one thousand.

Q. What are the persons that have money, in what manner, and on what account?

A. There is first of all a list, that is called the Money List; that Money List was originally the full value of the pensioners allowance, when that was first instituted, how long ago I can't tell; I believe it took place about the year 1736, or since perhaps, I cannot say; the provisions of a pensioner were then estimated at sixpence per diem, I consider it now worth sevenpence or sevenpence halfpenny; they are paid only sixpence, that is a saving to the Hospital.

Q. How is that granted? Is it granted to every pensioner who chuses to ask for it?

A. It is a sort of favour granted by the Directors of the Hospital; there was a great abuse in that, but now it is only done by the recommendation of the Physician and Surgeon; that list has increased to very near four hundred, I believe.

Q. And at the recommendation of the Surgeon, money is given to these pensioners? What is it given in lieu of?

A. All kinds of provisions whatever; it makes them a sort of out-pensioners, for they don't even muster.

Q. Do they lie in the Hospital?

A. Yes; unless the Council give them leave to lie out, which is sometimes granted.

Q. They receive sixpence, without any deduction?

A. Yes, without any deduction whatever.

Q. How does it appear that this is a saving to the hospital? Is sevenpence halfpenny charged?

A. No, but if they were victualled, it would certainly cost that.

Q. Does that saving go to the Charity Stock?

M

A. I

A. I believe it is not applied to that purpose.

Q. What were the abuses that occasioned that alteration that you say has happened there, that now it is only upon the recommendation of the Surgeon and Physician?

A. That list increased so much, that it took the men off the Butler's and the Chalk-off List, which are appropriated to the purposes of the charity; as the charity suffered by their being taken from the Butler's and the Chalk-off List, it was thought necessary to put some restraint upon it.

Q. What number have now the money allowed in lieu of provisions?

A. From three hundred and fifty, I believe, to four hundred.

Q. What is the Chalk-off List?

A. It is a List that every man indiscriminately, upon his first admission into Greenwich Hospital, is put on whether he likes it or not; in short, they don't ask his consent, but they give him money in lieu of meat, and cheese twice a week; that instead of having meat five times a week, they have it, upon an average, about three times; there is a profit arising from that, one fifth part of the original contract price is deducted; the profit goes to the charity stock.

Q. How much are they allowed?

A. There is one fifth part deducted from the contract price.

Q. Upon what articles?

A. Upon the meat, and upon the cheese; for instance, they get about twopence halfpenny for a pound of meat, which costs perhaps three-pence halfpenny.

Q. What becomes of that? Is the meat furnished by the butcher, and then sold again?

A. No, it is not furnished.

Q. And then is that set down, as so much furnished for the Hospital?

A. No, they only set down what is received, certainly.

Q. How is the difference applied to the Charity Stock?

A. The men are paid less money for their provisions than the contract, and the difference between what they pay the men, and what would have been otherwise paid to the Contractor, is appropriated to the Charity Stock.

Q. And that is instead of meat and cheese?

A. Yes.

Q. For how many days in a week?

A. Upon an average, about twice in a week; in order to induce these men to submit to that regulation, they are allowed broth made out of the other men's meat; so that they have that indulgence alternately, because every man alike is subject to that regulation.

Q. Are all the men in the Hospital indiscriminately subject to this?

A. Yes, except those upon the Money List and the Butler's List: I was going to say that by that regulation the broth is much impoverished, because we make broth for four hundred men that do not boil meat in the copper, which impoverishes the broth, and such poor broth brings disgrace upon the Hospital.

Q. What is the Butler's List?

A. The men on that List sell all their allowance, except beer; they cannot sell that, because it would probably bring excise upon the Hospital; besides, it is better than they can buy for the money they would receive, there being no excise upon it. There is one-fifth part likewise deducted from the original price of the rest of their allowance, which is applied to the Charity Stock.

Q. What is the consequence of this? Do you imagine that it is productive of any disorder or drunkenness in the Hospital?

A. It causes a scene of dissipation and drunkenness throughout the Hospital; for seamen are like children, they have little or no thought for themselves.

Q. Have there been any complaints made upon that subject to the proper Officers?

A. The Board of Directors themselves took notice of this scene of drunkenness and irregularity in the Hospital, and desired the Council to enquire into the cause of it; the Council did so, and reported to the Board of Directors unanimously, that they thought it owing to the Chalk-off List that occasioned all that drunkenness and irregularity in the Hospital.

Q. Be so good as to point out the Minutes of the Council upon that matter?

A. It is in the Minutes of the Council of the 9th of August, 1776.

Mr. BALL called in, Clerk of the Council.

Q. Read the Minutes of the Council of 9th August, 1776.

Mr. BALL read the following Minute:

"A Minute of the Board of Directors complaining of the irregularity of the pensioners, was laid before the Council, who were unanimously of opinion, that the Money List and Butler's List, since the great increase of pensioners, is now become necessary and expedient, having no place at present to accommodate them at the tables, where only twelve hundred and fifty can commodiously dine; besides which, it contributes to the ease and satisfaction of those who have families, by dining with them, and also from the confinement of attending twice a day at the hall for their provisions. That the chalking off the pensioners, and giving money indiscriminately to all upon their first admission, is not only contrary to the establishment, but injurious to the health and morals of the pensioners, and is attended with many inconveniences, improprieties, and irregularities; and the Council are unanimously of opinion, that the said custom ought to be totally abolished, there being sufficient room in the dining halls to dine all the Chalk-off Men."

Q. You keep the Minutes of the Council?

A. Yes.

Q. You don't keep the Minutes of the Court of Directors?

A. No, Mr. Ibbetson keeps them.

Mr. IBBETSON called in, Secretary to the Directors.

Q. Do you know of any answer that was made to the Minutes of the Council of the 9th of August, 1776?

A. I don't know of any answer that was made immediately to the Council upon that business.

Q. Were any steps taken in consequence of it?

A. I will read to your Lordships what passed upon that occasion.

"On the 3d of August, 1776, the Board taking notice of many inconveniences which attend the practice of the pensioners selling their provisions, and also that of their being chalked off, and money given them in lieu of their meat upon admission into the Hospital on account thereof, instead of having the allowance of meat, according to the establishment five days, they have it only in their turns, three days in the week, and improper uses made of the money so received by them in lieu, &c. &c."

"Resolved, That the Council be desired to report their opinion to this Board on Saturday next, if the abolishing the custom of chalking off, and giving such money in lieu, which appears productive of so many irregularities, &c. will be attended with any, and what improprieties and inconveniences. That the Board meet on Saturday next to take this matter into consideration."

"On Saturday following, the 10th of August, a Minute of the Council of the 9th instant was read"

“ read, in answer to a reference from this Board, “ whereby it appears, that they are unanimously of “ opinion the Money and Butler’s Lifts should be con- “ tinued, but the custom of chalking off should be “ totally abolished, to prevent their making improper “ uses of the money so received by them, in lieu of “ meat and cheese. The farther consideration of the “ Money and Butler’s Lifts, and chalking off the “ pensioners, are postponed,” and nothing seems to be done upon that occasion.

My Lords, I was absent through illness; and the motives of it, and how it came to be dropt, I cannot say, further than the Minutes say.

Q. Was there no further step taken upon it?

A. No.

Q. That practice continues to this day?

A. There has no alteration taken place that I know of.

[Mr. Ibbetson withdrew.]

Captain BAILLIE called in again.

Q. Whether you know who instituted this custom of the Chalk-off Lift—In whose time was it instituted?

A. It was before my time.

Q. Don’t you know who was Steward of the Hospital when it was instituted?

A. I cannot speak upon oath to that, I believe it was Mr. Bell, a former Steward—it was done before I came into the Hospital.

Q. Did you never see it in a book that it was Mr. Bell?

A. I have, in a book lately published, called “ A “ State of Facts,” but I don’t know positively, that that is the fact, because I see it there in print?

[Captain Baillie withdrew.]

Mr. IBBETSON called in again.

Q. Whether or not you think that the giving of money instead of the allowance of meat, has been the means of encreasing drunkenness, idleness, and dissipation in the Hospital?

A. For one, I cannot conceive that it has, because, if the pensioners had been permitted to go on, as they did at the time that that regulation was made, which is now upwards of 50 years ago; it was made, I think, in the years 1725, it did appear then, and appears upon the Minutes, I believe, on the books, which are now upon your Lordships table, that the reason of taking it up was, that the pensioners at that time, took their provisions and sold them in the neighbouring villages about Greenwich, and that they got for it much less than when that regulation afterwards took place, to sell it to the Butler; if they can make money of provisions, they will, with that money, undoubtedly buy drink, if they are inclined to do so; the only question is, whether they may not be enabled to buy more, because they have a greater allowance for it from the Hospital.

Q. I think the allowance now is three oxen a week on beef days?

A. I don’t know any thing of the detail of that.

Q. Lord Sandwich. Do you know who was the contriver of this Chalk-off Lift?

A. Of the money lifts, in general, Mr. Bell; the Chalk-off, I imagine, is one of them; there is a Minute that lies now upon your Lordships table of the General Court, where Mr. Bell, when he applied for superannuation, hath enumerated all the services that he had done to Greenwich Hospital; there was a printed memorial handed about it, but the substance of it is entered in these Minutes; among other things that he took credit and merit for, was his having introduced this regulation of the pensioners being permitted to take money in lieu of provisions, and he had a reward of 500l. given him by the General Court for his services, that among the rest.

(Reads) At a General Court held at the Admiralty, 17th of November, 1761, present Lord Anson, Dr. Hay, &c. &c.

Resolved, That Mr. Bell, the Steward, who through his long service, great age, and other infirmities, is become incapable of performing the duty of his office, be superannuated at 100 l. *per annum* during his natural life, &c. and in consideration of the great and beneficial services following by him, done and performed to the Hospital during his Stewardship, the Court are pleased to order and direct, that a gratuity of 500 l. be given him as a reward for the same; among the rest were the introduction of the three money lifts.

Q. At what time was the institution of these charity boys?

A. I believe about the year 1725.

Q. I want to know how long after the institution of these boys it was, that Mr. Bell had planned this scheme that you have now read for the better maintenance of these boys?

A. I believe it was about the very time that the first establishment of the charity boys took place, that this regulation took place.

Q. That you say was in in the year 1725.

A. Yes.

Q. Does it appear by the Minutes that you have before you there, that Mr. Bell had then the Stewardship of the Hospital?

A. He was appointed Steward in 1719; and continued in it till 1761.

Q. If these three money lifts were abolished, must not the boys be turned out of the Hospital, or must it not be paid out of the revenue of the Hospital?

A. In the year 1778, by an account I have in my hand, the produce that is from the savings arising from these regulations, was £. 1652 : 14 : 3½.

Q. When was that court of Directors held, when they recommended the consideration of this Lift to the Council of the House?

A. I think the 3d of August, 1776.

Q. The Minute is, “ The Board of Directors observing the irregularity;” was that an irregularity that happened just at that time?

A. I have already said I was absent, and ill in the country at the time this happened; my Clerk is here, if the House will permit him to give any farther information; this is as it stands on the Minutes, and I don’t know the reasons why they did not go farther into the enquiry. I have asked my Clerk about it, and he says they thought it would be taking too much off from this Charity fund.

Q. I think you are a Director?

A. No, I am Secretary to the Board of Directors?

Q. Are you one of the Council.

A. Yes.

Q. Don’t you think it part of your duty to be attentive to the œconomy of the Hospital?

A. Undoubtedly.

Q. Then don’t you think that a saving made, the consequence of which is drunkenness and immorality, is a species of such œconomy which you think not undeserving the attention of the Board of Directors?

A. I must first be certain that it is the fact, and that it is the occasion of that drunkenness and disorder that is stated; I am by no means certain that it is.

Q. Was you present at that Council that unanimously represented that it was?

A. I have already said I was absent at that time, and in the country.

Q. Whether you imagine that the unanimous opinion of the Council is likely to be well or ill-founded, are they proper judges of it?

A. Indeed, I should think they are proper judges; it is not impossible if I had been there, that I might have concurred in the opinion.

Q. What are the different funds that produces the Charity stock?

A. The

A. The profits arising on the provisions bought of the pensioners, that is the principal one.

Q. What do you call the provisions bought of the pensioners?

A. The men that take money in lieu of their provisions?

Q. Is that the Money List?

A. No, the Money List is a very inconsiderable part, but this is out of my department very much, and there are people in the house that can give your Lordships better information?

Q. Who are those persons?

A. The Steward, I should think, and the Butler, I am very sure will be able to give the House better information.

Q. If these Money Lists were annihilated, whether the maintenance of the boys must not come upon the revenue of the Hospital?

A. Undoubtedly, or their number must be diminished; the income is more than the expence of them a little, but if you take away 1600 l. out of 2200 l. or 2300 l. which is the whole amount of that revenue, your Lordships must easily conceive that must decrease the number of them, or supplies must be raised some other way.

Q. Are not the savings of these several lists as much the revenue of the Hospital as any other part of it?

A. They certainly may be applied to it.

Q. Are they not part of the revenue of the Hospital, that is my question?

A. Not a part of the revenue of the Hospital that has ever been applied to any other business but this of the boys.

Q. Out of whose pocket comes this money that is so saved?

A. Part of the money comes from shewing the Painted Hall and Chapel; that might be applied certainly to the maintenance of pensioners as well as the boys?

Q. That is a part of the revenue of the Hospital?

A. Certainly.

Q. Out of what revenue comes the money that is saved upon the several lists?

A. Supposing every man was to take up his provisions, that saving, which is now a profit to the Hospital, would be in the butcher's pocket, by supplying more meat.

Q. It might be in the butcher's pocket, but would it not be in the pensioners bellies? Is not the fund itself the revenue of the Hospital, out of which all these savings come?

A. I don't understand that.

Q. Is it not the fund out of which the savings issue, as well as every thing else? Is not that a part of the revenue of the Hospital?

A. This is a saving that arises from the allowing the pensioners a fifth part less than what is the real value of their provisions.

Q. I will put it another way; suppose seven shillings a week was the allowance of the pensioner, would that seven shillings be a part of the revenue or not?

A. Undoubtedly.

Q. Then suppose by a subsequent order, one shilling out of this seven should be converted to the maintenance of the charity boys, that is a part of the revenue?

A. Undoubtedly.

Q. Then the question I asked is, Are not the savings a part of the revenue?

A. They are part of the revenue now of Greenwich Hospital, applied in this particular way.

Q. I wanted then to understand that, as the noble Lord asked if there had been no savings; then the boys must be maintained out of the revenue of the Hospital?

A. If this custom was abolished.

Q. Then you answered they must be maintained out of the revenues of the Hospital?

A. If this custom was abolished, this saving of 1600 l. a year, would be lost to Greenwich Hospital, then if that was lost, it must be supplied out of other revenues of Greenwich Hospital.

Q. But still they are both the revenues of Greenwich Hospital?

A. I apprehend this sum would not be a part of the revenue in any way, if you abolish the practice, the revenue would not arise.

Q. Is it any thing more than this, that out of the allowance of the pensioners, you take so much money and give it to the charity boys?

A. But it is not taking it from the revenue of the Hospital, and giving it to the charity boys.

Q. Why, the whole is the revenues of the Hospital; are not the charity boys part of the original institution?

A. No, the charity boys are an excrescence.

Q. Then I believe you have not read the Act of the 17th of King William, because I find in that Act, they are part of the original institution?

A. I can shew the Minutes of the first establishment of these boys; the Directors found that there were some little profits arising from shewing the Painted-Hall, the mulcts of pensioners, and their cheques; that it amounted to something, and they asked the General Court if they might not apply it to the maintenance of the sons of the pensioners.

Q. Was that the first commencement of it?

A. It was.

Q. I am very sorry for it, for it was the original institution by that Act of Parliament; the boys have the same right upon the Act to a maintenance as the pensioners have; when were the boys established?

A. I think about the year 1725, I am not quite certain; it was a great while after the institution.

Q. May not these pensioners that are put upon the Chalk-off List at their option, to be put off of it whenever they please?

A. I understand that it is by no means compulsory.

Q. Do you know whether they may be put off upon their application?

A. I understand so.

Q. Suppose they all received their provisions in meat, is there room for them to dine?

A. No, I understand that the two dining halls will not accommodate more than twelve hundred.

Q. Then to go a little further, how long ago is it since more than six hundred could dine?

A. Within six or seven years; since Lord Sandwich has been at the Admiralty, a new dining-hall has been fitted up, which has accommodated six hundred more.

Q. Was it not the custom that six hundred people dined in the hall, and that they were obliged to be hurried away from their dinner, and then six hundred people came to their diet in the same hall to dine upon their table?

A. I understand that to have been the practice?

Q. Then by whose interposition was it, that an additional hall was formed, that enabled twelve hundred people to dine at the same time at different tables?

A. I was absent when that came under consideration, but I understood it was from a survey Lord Sandwich made of Greenwich Hospital; his Lordship found this place as suitable as the other, for it is just a similar building to it, and it was ordered to be fitted up, and it is now as compleat as the other, and holds as many people.

Q. If the Pensioners, did not some of them receive money instead of Provisions, must they not return to that custom of dining, either in the open air, or of coming and dining at the tables where those other people had dined?

A. Undoubtedly, because there are only twelve hundred out of twenty-one hundred that can be accommodated.

Q. Acquaint

Q. Acquaint the Committee if you know what the different funds are, from whence the Charity Stock arises?

A. The profits arising from the sale of those provisions.

Q. I want to know what you mean by the sale of provisions, is that the Money List, or is any other list included?

A. It means the Butler's List and Chalk-off List; I apprehend it is confined to those two; the Money List, I apprehend, as near as I can calculate it; they have the full value of the provisions, consequently there is no saving to the Hospital, but that is a very small part; the Butler's List is the principal thing, every man who chooses it goes to the Butler, and may take money in lieu of provisions.

Q. We have had that explained; I desire to know, when you say the first article, from whence the Charity Stock arises, is the provisions bought, what are the articles you include in that; do you mean the Butler's List and Chalk-off List, or only one of them?

A. Both of them.

Q. Do you know the proportions that those two articles produce?

A. I do not.

Q. Do you know the sum total that both produce?

A. In this paper, which is of what it produced in 1778, it is 1652l. 14s. another fund is the money collected for shewing the Painted Hall, and the Chapel; when there was a Chapel, that produced clear to the Charity, (for the Porter has a fourth part of it) the other three fourths, in the year 1778, produced 753l. 8s. 4d. halfpenny, then there is 8000l. in Old and New South Sea Annuities, which bears an interest of three per cent, and 8500l. South Sea Stock.

Q. How did that Stock arise?

A. From savings; the funds for the Boys were more than sufficient for their maintenance, and the surplus has been invested, from time to time, in the funds, on their account.

Q. Then I understand from you that there are several sums of money in the Stocks, amounting to about 12000l.?

A. Sixteen thousand five hundred pounds.

Q. Which are savings that have been made out of the funds which were applicable to that Charity for the maintenance of the boys, is that so?

A. Yes, it is.

Q. How is the interest of that applied again?

A. To the maintenance of the charity boys; it forms a part of their fund.

Q. Do you not look upon that stock to belong to Greenwich Hospital?

A. It is a separate fund that is kept for the boys.

Q. Don't you imagine that the General Court might apply that fund for any other purpose of the Charity, if they thought proper?

A. Undoubtedly.

Q. Then what other funds are there that produce the revenues of this Charity?

A. Another fund, which, in the year 1778, produced 168l. 2s. 4d. halfpenny, was, the absences, cheques and mulcts.

Q. What did those cheques and mulcts arise from?

A. When a pensioner is absent without leave, he is chequed of his provisions, and I apprehend that he is charged to the Hospital as victualled, but that the amount of his provisions goes to the Charity Stock?

Q. What are the mulcts?

A. Mulcts are put upon the men for various misdemeanors, small mulcts.

Q. Are there any other articles?

A. Here is in this account, the produce of some old shoes which were sold, which applied to that stock, that amounted to 10l. There is money belonging to a deceased pensioner, put into the stock by order of the Council; it is a rule, if a pensioner dies without

a will, and there is nobody to claim what he has left, it is put into the Steward's hands to be applied to the Charity's Stock, subject to be restored, in case there is any claimant.

Q. Is there any more?

A. No.

Q. Now, with regard to the application of this money, how much was the total produce of the revenues of the Charity Stock for that year?

A. Two thousand five hundred and thirty-four pounds, if I have cast it right.

Q. How was that applied, in the course of that year?

A. Here are the particulars of the application of it.

Q. Is that account long?

A. Yes.

Q. Is there any of that fund applied to any other purpose than the maintenance of the boys?

A. There are some of the Officers of the Hospital, myself among the rest, that have small additions to their salaries out of that fund, in consideration of the extraordinary trouble that we have on account of that business; the Steward has 20l. for his trouble; he has a great deal of business.

Q. Be so good as read the list of those Officers, and the salaries that they have out of it?

A. The persons that are employed about the charity boys and have their salaries, or additions to other salaries, paid out, are, the School-master has 100l. a year, the Surgeon an allowance of 30l. a year, the Clerk of the Cheque has 10 guineas a year, the Clerk of Waterman's Hall 10 guineas a year; the Clerk of Waterman's Hall used to be employed upon the business I am going to state to your Lordships; there is another person now employed, a person living in London, in order to go on board ships, to see whether the boys that are bound out are really belonging to those ships, and to keep up a correspondence with the Clerk of the Cheque, relative to that business. The Dispenser has 20l. his journeyman has 10l. the Steward's first Clerk 10l. the Clerk of the Cheque's first Clerk has 10l. the Guardian's salary 10l. and three assistants 5l. each; five nurses 15l. each; two helpers 5l. each; a person for teaching psalmody to the boys 5l. that particular employment is now abolished; the Chapel Clerk 3l. and the Sexton 2l. Since this establishment, the Steward has had 20l. myself 20l. I think the two Chaplains have had their salaries increased 30l. each, which is paid out of that stock, and that is the whole that I recollect.

Q. Whether these additional salaries, that you have mentioned, are to be paid out of the Charity Stock at all events, or only in case there is a surplus?

A. Upon my word I don't know how they would be paid, if there was not a surplus.

Q. There is nothing of that sort in the warrant or directions?

A. It is ordered to be paid out of the Charity Stock; I should hope and imagine they would think it very reasonable to pay it out of some other fund, if there is not sufficient in that.

Q. Who are the persons that inflict the mulcts upon the men?

A. The Council in general.

Q. And how many of these Gentlemen have seats at the Council?

A. I believe only four, that have any allowance out of the Charity Stock; the two Chaplains, the Steward, and myself.

Q. Has there been any savings of this Charity Stock lately, that have been vested in the stocks, to increase that fund?

A. Not very lately, on account of Mr. Ellis's deficiency; it is as much as they have been able to do to keep above water, if I may so say; his deficiency was near a thousand pounds upon this Stock, and they have built a school-house since that, which might cost 5 or 600l. or more, so that has taken away a good part of what would otherwise have been a saving, and would otherwise have been invested in the funds.

N

A. I

Q. What is the particular use these Gentlemen are of to the boys, who you mentioned, I think, had some extraordinary trouble? Is that extraordinary trouble greater than before the allowance was made?

A. I don't know that it is greater.

Q. What is the extraordinary trouble that the Chaplains are at, more than they used to be?

A. I cannot speak to that.

Q. Does the Chaplain catechise the boys?

A. Yes, he does.

Q. How often?

A. I don't know how often, by their instructions, they are to do it.

Q. I don't ask what he is bound to do, but what you know he does?

A. I don't know that he does it.

Captain BAILLIE again.

Q. I would ask you relative to the Charity Stock; do you know what funds it arises from?

A. From the funds Mr. Ibbetson has described, but in some points I think rather a little different; it arises from the Butler's Lift, the Chalk-off Lift, and the mulcts and the cheques of pensioners; not only from the pensioners that are absent without leave, the pensioners never have any leave of absence without being chequed, unless it is for one single day; if a pensioner goes down to Chatham, to receive the remains of any little pension that may be due to him from the Chest of Chatham, if it is only for four days, though he is obliged to borrow the money perhaps to carry him down to Chatham, in the mean time he is chequed for the benefit of the Charity Stock; it appears to me, on that account, to be very hostile to the pensioners.

Q. What are these charity boys? Are they the children of disabled seamen, or the children of seamen maimed, drowned, or killed in the service?

A. I believe they don't in any way confine it to that; for I have known a Clerk of a yacht have four children in Greenwich Hospital; it is not confined to the sons of seamen killed, drowned, disabled, or dead in the service.

Q. Who appoints these boys?

A. The Directors in turn.

Mr. SAWARD called in.

Q. Are you the Butler?

A. Yes.

Q. Give an account of the produce of the Butler's Lift?

A. The produce of the Butler's Lift, together with the Chalk-off Lift, amounts to about 120l. a month?

Q. I beg to have them separated?

A. The Chalk-off amounts to about 350 or 370l. a year.

Q. What does the Butler's Lift produce per annum?

A. About 800l.

Q. So that the whole produces about 1200l. a year?

A. Better than that, because there is cheese; the men are paid for cheese, as well as their meat, every seven days.

Q. What does the Money Lift produce?

A. I cannot say, that is not in my department.

Q. You said something about the cheese?

A. They are paid, every seven days, money in lieu of their cheese; there are about twelve hundred men victualled at the tables; eight hundred have meat, and four hundred have money alternately, and are paid every seven days for their cheese.

Q. Does the Butler's Lift include every article?

A. It does, except beer; the Chalk-off is about three hundred and seventy, the cheese about five hundred, and the Butler's Lift perhaps may be about six hundred.

Q. Is the cheese then part of the Chalk-off Lift?

A. Yes; the people who have money in lieu of provisions, are not compelled to take money in lieu of their provisions; I spoke to them to-day upon that account, in case they should have anything to say.

Q. Do I understand you right, that the cheese alone, without the meat, produces 500l. a year?

A. I believe it does.

Q. And the meat 360l.

A. Yes, it is in the whole about 1,600l. I only mention this from remembrance; I have not the list.

Q. Did not you say you told them to-day about this?

A. When I paid them their money for their meat, I asked them whether they chose to have their meat or their money, because I told them I believed I should be called before this Honourable House to-day, to give an account of their Chalk-off, and I wished to know whether they chose to have their meat or their money; they begged of me that I would present it, at their request, that they might have meat two days, and be paid for it the third.

Q. Did it stand otherways before than only by choice?

A. No, always by choice.

[Mr. Saward withdrew.]

Captain BAILLIE called in again.

Q. What do you know of any additional salary being given to an Organist?

A. I only know that the Organist has had an additional appointment within this short time.

Q. Is it a new office?

A. Entirely a new office.

Q. What does he do for it?

A. He teaches the charity boys to sing hymns by note.

Q. Does that office seem to be necessary?

A. I think it quite foreign from the education of a boy intended for the sea-service; the elder pensioners are many of them fond of singing psalms; by this new regulation, the men are deprived of that part of their devotions in a great measure.

Q. Do you know what salary this Organist has?

A. I believe 20l. a year, over and above what he had before.

Q. What had he before?

A. I believe 40l. as Organist.

Q. Did he attend before, and play the organ?

A. Yes.

Q. And he has 20l. additional salary for teaching the boys?

A. Yes.

Q. They are not taught the usual way of singing the old psalmody?

A. They sing by note, not the psalms, but hymns.

Q. Where does the Organist reside?

A. In the town of Greenwich; he is not lodged in the Hospital.

Q. You mention this as a new institution; how long is it since the Organist has been appointed?

A. I mean the institution of a new Organist to teach the boy; that was what I alluded to.

Q. You did not mean then that the Organist is a new institution?

A. No, I did not.

Q. Give an account to the Committee of what abuses you know of having existed relative to cloathing, such as shoes, stockings, linen, beds, and washing?

A. The washing for a great many years last past, I don't say within this year or two particularly, but for several years, has been notoriously bad; inasmuch, that one never sees a pensioner with a clean shirt on.

Q. But what complaints have you had?

A. I have had a great many complaints of it; I beg leave to refer to the Minutes of the Council.

Mr. BALL

Mr. BALL reads the Minutes.

At a Council held in the Royal Hospital for Seamen at Greenwich, January 16, 1778.

"The Nurses, Bolton, Hendy, and Rose, having complained to the Council, that the linen belonging to the men under their care, was very badly washed, and not fit to be delivered to the pensioners; and the following pensioners, viz. William Seddon, John Ford, Aaron Johnson, Andrew Wilson, Thomas Rapely, Dennis Donovan, Christopher Clements, Allen McDonald, and several others, declared, they were obliged to wash their own linen after it came from the laundry; and having produced their shirts, stocks, towels, &c. and the same having been inspected by the Council, appeared badly washed, dirty, and of a disagreeable smell; and the Nurses being examined to know whether they had complained to the Matron, answered, they had, but that the linen was always returned in the same manner; and they had likewise complained to the Contraband, threatening to appeal to the Officers and Council of the House, and that he replied, that the Council had nothing to do with it, and that it was only the Matron's business to inspect into it; and it appearing to the Council that the complaint is just and well-founded, and the washing the pensioners linen equally bad throughout the Hospital, the Matrons are therefore hereby directed not to give certificates for any linen that is not really clean and well washed.

By order of the Council,

DANIEL BALL."

Captain BAILLIE again.

Q. Was any thing of this represented to the Board of Directors?

A. I don't know that that Minute was; I have been quite tired out in representing matters which have not been redressed; it has been a general received opinion in the Hospital, it has been inculcated into almost every Officer of the House, that the Council of the House for Naval Officers had nothing to do but to discipline the pensioners, to punish them when they are refractory, but not to be their guardians or protectors in any other way; that respecting their provisions, washing, and bedding, it is the department of the Steward and the Clerk of the Cheque.

Q. Have you other instances to produce of complaints having been made of the badness of the washing?

A. There is scarce a pensioner of Greenwich Hospital but can speak to that article; I will refer to one John Glass, if your Lordships please to call him in; he has made many complaints; it was the same in my predecessor's time; complaints were made to the Council then, but I believe it was not entered upon their books; it was said the Council had nothing to do with these matters; Captain Allwright can tell your Lordships about the linen, if you please.

Q. You may go through any other articles.

A. To my certain knowledge, the men's shoes and stockings don't last them half the time; I have had many hundred complaints concerning the shoes and stockings from different pensioners.

Q. Have you made complaints of that to the Directors?

A. No; I think it is the duty of the Officers to apply to the Admiralty; the Council and Board of Directors are to be a check upon each other, as I humbly conceive.

Q. Have you complained to the Admiralty?

A. I cannot say I have in my own person particularly. I have mentioned it at the Council, but they have had a majority there not to lay it before the Admiralty.

Q. Is there any Minute of the Council respecting the shoes and stockings?

A. I believe we can refer to the Minutes of the Council respecting that matter; as to the shoes served to the pensioners, it cannot be expected that they should last the time; they have only three pair allowed for two years; and whilst the price of leather has been encreasing, the contract price of shoes has been reduced. In the last contract before this, I believe they were only three shillings and seven-pence half penny a pair; and to my certain knowledge, at the work-house in the town of Greenwich, they allow four shillings and six-pence.

Mr. BALL reads a Minute of the Council of the 18th of July, 1777.

P R E S E N T .

Lieutenant-Governor Baillie,

Captain Allwright,

Captain Lynn,

Captain Chads,

Lieutenant Moyle.

Lieutenant Answell,

Thomas Frencham having complained to the Council of his stockings, that one pair of the two served him at the last serving, that is in May last, were worn out in a fortnight, which ought to have lasted eight months, and that the other pair were much worn in the same time, which he produced before the Council; and John Robinson, and several others, having also complained that their stockings which they now have, are much inferior to what they used to have; and it appearing to the Council, that these complaints are justly founded, ordered, that a copy of this Minute be sent to the Steward, desiring he would lay the same before the Board of Directors for their information, that the necessary measures may be taken for redressing the men.

By order of the Council,

DANIEL BALL.

The Steward, Mr. GODBY, called in.

Q. Did you receive a copy of the Minutes of the Council the 18th of July, 1777, to lay before the Court of Directors?

A. I did.

Q. Did you lay them before the Board of Directors?

A. I did not.

Q. What was the reason?

A. Upon my Clerk's informing me that there was an order of Council for me to do that, I told him I had done it already, and that Mr. Baillie, who was at the head of the Council, was at the Board when I represented the matter of the subject of the stockings to the Board.

Q. Do you imagine that a representation from you, as an individual, would have the same weight with the Board as the unanimous representation of the Council.

A. I think it ought to have more weight, as it was my particular duty to attend to it.

Q. Do you think yourself authorized, when you receive directions from the Council to lay their complaint before the Board of Directors, to refuse to do it?

A. As the matter had been already represented and remedied as much as the Board could possibly do at that time.

Q. Had you ever laid those very complaints that are represented in that order of Council, before the Board?

A. That very complaint, the complaint of the same stockings delivered some time in the latter end of May, there were about 500 pair of stockings delivered in for the use of the pensioners; it being a large quantity, I had no place in my store-rooms to lodge them, they were lodged in the Painted Hall, all the day before they were delivered out to the pensioners; when the officer came down to assist in delivering out these stockings, I attended in person to examine

mine these stockings; upon looking over some in the front they appeared tolerably good and near the pattern, and I began to serve them; the Clerk of the Cheque and his Clerk, or both, were with me; after about 200 pair were served out, I discovered that they were not equal to the pattern. I got upon the bench, and took some down; I examined them myself, and immediately ordered the Hall doors to be shut, and stopped some that had got stockings, and in that very day it was cried, for the men to return the stockings that had got them; a few days after there was a Board of Directors; I represented the matter to them, and received their orders how to proceed.

Q. What were these orders? What was done in pursuance of this?

A. I believe the Minutes of Board will shew that.

Mr. IBBETSON reads.

On the 21st of May, 1777, the Steward having represented by his letter of this date, that the Contractor for hose, lately delivered 500 dozen, great part of which appeared much coarser than the pattern, had saved some which were produced, &c.

The Contractor was called in and questioned, how he came to serve them; he said the stockings were much thicker, stronger, and of more value than the pattern, though not so fine.

Ordered, That the Steward cause as many to be selected of the best, as there were some good, as will be sufficient to supply the men with two pair each; the rest to be returned to the Contractor.

Q. to Captain Baillie. You have heard what Mr. Godby has said about this, that the same complaint you made, and which was stated in that order of the Council, had been made by him, to that Board of Directors, when you was present, and that he told you that was the reason he would not prefer the complaint again?

A. That was in May, the other was on the 18th of July, 1777; the pensioners, first, I understand, would not receive them in the Painted Hall.

Q. Were they the same stockings that were delivered in May?

A. These are the stockings that the men complained of that were delivered in May.

Q. to Mr. Ibbetson. The complaint, it appears, by that Minute, is the 31st of May; does it not appear by the Minutes, that the stockings which were found to be not equal to the pattern, were notwithstanding that delivered, that there was a direction given, that such as were good and sufficient should be delivered.

A. "Ordered, That the Steward do cause as many of the best of them to be selected as will be sufficient to provide each man with two pair, the rest to be returned to the Contractor."

Q. Then, do you imagine that, according to that order, that any thing but the best, and such as were sufficient and good for the men, ought to be delivered?

A. Undoubtedly not.

Q. Now will Mr. Godby be so good as read that part of the complaint made afterwards in July?

Mr. Ibbetson—I beg to be understood in that last part of it; the order directs, that the best of them that could be selected.

Q. Do you understand that the best of them were to be delivered whether good or bad?

A. I do certainly understand this minute, that the best that could be selected, to the amount of two pair to each man.

Q. Do you imagine that the Court of Directors, in giving that order, meant that any thing should be given that were not serviceable for the men? Read the order and see who were present.

A. Sir Charles Hardy, Captain Baillie, Captain Hood, Mr. Stuart, Sir Percy Brett, Mr. —, Sir Peter Dennys, Mr. Hicks, and the Reverend Mr. Cooke.

Reads the Order.

Q. Then I ask you, should you have thought yourself warranted under that order, in which order is stated, that those which were different from the pattern were stronger and better to have delivered any to the men that were not fit for their use?

A. I should have looked upon myself as authorized by that order to have selected the best of them, let their quality have been what it would, and to have issued of those best, two pair a man.

A. And should you have thought yourself authorized so to have done, without representing to the Directors that they were bad?

A. If I had found any extremely bad, I certainly should have represented that to the Board of Directors.

Q. to Captain Baillie. I wanted to know, whether you objected to the order of the Board respecting the selecting two pair per man out of that bad quantity.

A. I did; I said that the people could not be so much distressed for stockings, because they had not returned their old stockings. I made use of this particular argument I am going to use now; I said, that the men could not be distressed for a week or a fortnight, because they had their old stockings, which were made of double yarn, and were stronger than the new.

Q. to Mr. Ball. Read the Order of Council, the 18th of July 1777.

Mr. BALL reads the Order.

Q. to Mr. Godby. Do you understand that your having complained to the Board of Directors, that the stockings were originally bad, and they had in consequence of that, upon an enquiry, been told, that they were, though a different quality, stronger, and in many respects better than the pattern; they having directed you to deliver out two pair of the best, do you think that a complaint, stating, that these stockings, which had been delivered in May, were excessive bad, and that they had not lasted a fortnight, do you think that was the same sort of complaint you had made in May?

A. I do.

Q. Why so?

A. When I represented this matter to the Board, the Hosier was called in; he might represent that there were some of them equal to the pattern, but I never conceived any of them were equal to the pattern. I think, to the best of my knowledge, the Board gave him four months to provide others; he required that time or near it to provide others; it was impossible therefore to remedy it before that time, and we were obliged to take them as we could, deducting a shilling a dozen for those we received; I received an order of the Board to receive that, which amounted to 16l.

Q. But did you not think it your duty when an application was made to you from the Council to represent a particular fact to the Board of Directors, don't you think it was your duty so to have done?

A. I think it impossible to be remedied; I represented that Mr. Baillie was present; Mr. Baillie being present at the Board of Directors, and at the Council, I thought, upon my Clerk's informing him at the Council, that that was sufficient; Mr. Baillie must know as well as I that no remedy could be applied.

Q. I did not ask you what you thought about Mr. Baillie and your Clerk, but whether you think it is your duty, if you receive an order from the Council to lay a complaint before the Board of Directors, to lay that complaint before the Board or not?

A. It had been done in that very instance.

Q. Did you lay a copy of that complaint before the Board?

A. No.

Q. Do

Q. Do you apprehend it was your duty to have done it?

A. I apprehend it was not necessary.

Q. I ask you whether it is a part of your duty to obey those orders?

A. I understood that I had done my duty sufficiently in every respect.

Q. I ask you a general question, whether it is your duty to obey the positive orders of the Council or not?

A. Certainly, and I thought I had done my duty?

Q. The Council directed you to lay a copy of their Minute before the Directors, and you did not do that. Do you think you did your duty in that?

A. When I informed them that I had done so before.

Q. Did you inform the Council so?

A. The Clerk of the Council told me so, and I gave him that answer, that it was already done.

Q. I wish the Minute of the Council to be read; I think it is said he was ordered to lay this before the Board of Directors.

Mr. BALL reads it.

"Ordered, That a copy of this Minute be sent to the Steward, desiring he would lay the same before the Board of Directors for their information, that the necessary measures may be taken for redressing the men."

Q. *Lord Chancellor to Mr. Godby.* Does the constitution of the house make you the servant in any respect, and what?

A. In none; I am one of the Council.

Q. Then this, that they are calling an order, was a desire of your brother Counsellors, that you would make that representation?

A. Yes.

Q. Of which Council you was one?

A. Yes.

Q. Who is the proper person to lay it before the Board of Directors?

A. I was, certainly.

Q. Why are you the proper person to lay a complaint of this kind before the Board of Directors?

A. Because I received these stockings by pattern, and issued them with the assistance of my clerk.

Q. Is it your business to receive, examine, and issue them?

A. Yes, with the assistance of the Clerk of the Cheque.

Q. I should be glad to know, whether the Board of Directors (at the time they made that order to deliver two pair to the several pensioners of the best) knew at that time that the stockings so to be delivered would not last above a fortnight?

A. You understand, my Lord, that I had laid a sample, taken promiscuously out of the whole, for their inspection, supposing them to be as good a judge as myself.

Q. I ask, whether the Court of Directors could know or understand that the stockings so to be delivered would not last above a fortnight?

A. It was impossible for them or me to say how long they would last; they were not equal to the pattern.

Q. If upon a trial they wore out in a fortnight, and a new complaint was made, was not that complaint fit to be carried to the Board of Directors?

A. We had no remedy.

Q. I ask, if upon the trial they wore out in a fortnight, and a new complaint was made, was not that complaint fit to be carried to the Board of Directors?

A. I had received my orders, and acted under those orders.

Q. But was this a fact fit to be carried to them or not?

A. If the Council had thought proper.

Q. They did think proper, and desired you to do it.

A. I represented in return, that I had done it; I received no farther orders from the Council.

Q. You had never laid before the Board of Directors that the stockings upon trial had not lasted a fortnight?

A. No, I had not.

Q. Why did you not lay that complaint before the Board of Directors?

A. It did not lay with me to do it.

Q. I misunderstood you then; I thought you was the proper person to carry the representations of the Council to the Board of Directors?

A. I am; but I thought I had done sufficient.

Q. Do you think that a representation to the Board of Directors, at that time, could have answered any purpose?

A. I don't.

Q. Do you think it is fit for you to have made a representation which could answer no purpose?

A. I don't.

Q. Whether if this complaint had been made to the Board of Directors, that the stockings were so bad they would not last a man a fortnight, whether it would have been a good ground for them to have turned off the Contractor, and employed somebody else?

A. It very possibly might, but I don't know they were so bad as that.

Q. Then if it is possible they might, or if they had done it, would not that have been something like a remedy against the complaint?

A. Not an immediate remedy; there could be no immediate remedy according to the representation of the hosiery.

Q. Could it not be remedied another time?

A. It is remedied now; they have now a new Contractor.

Q. Did not the Board of Directors know, upon examining some of these stockings, that many of them were much worse than they ought to have been?

A. Yes.

Q. Would not that have been a sufficient excuse for turning off a Contractor?

A. Certainly.

Q. From what appeared to you upon inspecting these stockings, whether they looked as if they would not last a fortnight, and whether it appeared to you that they did not last a fortnight?

A. It never appeared so to me; it will often happen upon a contract that some will be bad.

Q. Was it a general complaint in the Hospital, that they would not last more than a fortnight; or was it only a few people that made that complaint?

A. I believe it was very far from a general complaint; I believe they did not last the time they should do.

Q. Do you know any men that were satisfied with their stockings?

A. I believe some were very well satisfied; and whenever they came to my office, I changed them frequently for what they call dead men's stockings, that the men might not suffer so much, which we are authorized to do from our instructions.

Q. I think you stated, that it would be improper in you to make a complaint to the Directors that it was not in their power to remedy?

A. I may have said to that purpose.

Q. Do you think that you are to be the judge, or they, whether it is possible to remedy it or not?

A. I understand that I had made the complaint to the Board; had received their orders, and I thought that sufficient; and then I was justifiable in acting under those orders.

Q. But a fresh complaint had arisen?

A. I did not see any occasion for a fresh complaint;

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the Council met, and therefore it was their duty to see to it.

Q. I ask you, whether it was your duty to lay that complaint, when it was made by the Council, before the Board of Directors?

A. If in my judgment I had seen reason for a fresh complaint.

Q. I ask you, whether you think you are to be the judge, whether a complaint made by the Council was proper to be laid before the Board of Directors?

A. I had nothing to do with it; I receive the orders from the Board of Directors to act in my department.

Q. But did you not receive communication of this?

A. I did.

Q. Why did you not lay that complaint before the Board?

A. For the reason I gave before; I thought the answer that I had given to the Council sufficient.

Q. Then you was to judge, whether that complaint was well or ill-founded, and not the Board of Directors?

A. That is a different thing; I do not say that I do.

Q. At the time when you did not lay this before the Board, was not you satisfied, that if the Council had consisted of reasonable people, that it was a sufficient answer, to say, that that complaint already the Directors were acquainted with?

A. Yes.

Q. And was not that the reason for not doing it?

A. Yes; and the reason I gave.

Q. Had you before acquainted the Board of Directors, that since the delivery they had wore out in a fortnight?

A. I had complained they were bad, and not equal to the pattern.

Q. But that was before the trial?

A. Yes.

Q. And are these two things the same?

A. As the stockings were bad, it is reasonable to suppose they would wear out before the time limited for them; I don't look upon it that the whole, or near of them, would wear out in that time.

Q. I ask you, if it were but for one that was worn out, whether that is the same complaint?

A. No, it is not.

Q. You say, that the Contractor had not time to find the quantity of stockings necessary for four months, I think?

A. I do.

Q. At the end of those four months, did he bring stockings equal to the original contract?

A. I think they were very near.

Q. As good as you could expect?

A. Yes; and much better than the former.

Q. And his reason for not giving them good before, was, another man undertaking it, and he was forced to bring goods that otherwise he would not have done?

A. Yes, that was the reason he gave.

Q. As you complained in the first instance to the Council that they were bad, why did not you in the second instance make the complaint?

A. I thought that complaint had been made to the Board, and I thought that would be a sufficient answer to the Council.

Q. Though the stockings proved bad afterwards?

A. Yes.

Q. I think you just now said, that there was no remedy at that time; you acknowledge the stockings were very bad, but you had no remedy; now I think it appears to me there was a remedy.

A. It does not appear to me.

Q. You gave these people two pair of stockings each, did not you?

A. Yes.

Q. Suppose, when you had found them so very bad, you had delivered out but one pair to each; why did not you remedy it in that manner?

A. I did not think two pair were sufficient to deliver them out for a change.

Q. But they had stockings, Mr. Baillie says, of their own before; that was a change.

A. They had old stockings certainly.

Q. Suppose, if a pair had been worn out, you might have got another pair for each of them in a fortnight?

A. The Contractor demanded four months.

Q. Could you not have got others in a fortnight?

A. I believe not.

Q. You say you could not have got these stockings from these people in a fortnight; I will answer for it, if you had applied to the hosiers at Leicester, you would have got them in a week.

A. I don't think they could be dyed in the time, much more made.

Q. Do you think the Contractor could not have got them there?

A. I don't think he could have them dyed in the time; when I have applied to the Contractors for stockings, they have made me answer, that they were dying, and would be ready in a week or a month, or so.

Q. But if you had applied properly where I tell you, do you think they could not be supplied with a sufficient number in a fortnight?

A. I don't know.

Q. Because you said you did not see any remedy.

A. I did not see any remedy; nor did the Board at that time, I believe; I don't think it was possible to be served in the time.

Q. *Lord Chancellor.* Whether you took upon yourself to be under the orders of the Council?

A. No.

Q. And whether it is usual for you to carry the Minutes of the Council to the Board of Directors?

A. Certainly not.

Q. Did you deliver the two pair of stockings, by the order of the Directors?

A. I did.

Q. Was the same Contractor continued after this abuse?

A. No, we have a new Contractor now.

Q. But who was the Contractor then?

A. The man that serves us now followed the man that served in these bad stockings; he did not supply us afterwards; I believe he did not bid for the contract afterwards, I am not certain whether he did or not; but, however, there was a lower bidder, and the person has it now.

Q. You did not exempt him from the contract?

A. No.

Q. And did he continue Contractor the four months between, or how long?

A. He continued for the serving of these stockings for the two years.

Q. Then he served four months afterwards?

A. Yes, several months afterwards.

Q. Without applying to any body but the Contractor, after the men had had one pair of stockings, which they might have made a shift with perhaps, would it not have been better, and would there not have been time enough without taking two pair, to have waited for the Contractor's providing.

A. I don't think there would.

Q. How long were these stockings to last?

A. Eight months, I think.

Q. Then how long time would you give him for another pair?

A. I think it was four months the Contractor wished to have, and said he could not complete the contract in less time.

Q. Don't you know three pair of stockings ought to last two years?

A. Yes, a pair lasts eight months.

Q. Then, according to that, might they not have had time enough to have waited for the second pair being made?

A. I don't think there would.

Q. Do

Q. Do you imagine that the Board of Directors thought that the stockings, that were delivered in the month of May, were fit for the men to wear, and fit to last eight months or not?

A. That they were not is certain; if they had, there was no occasion for me to have made a complaint.

Q. That I don't see; for you represented that they were not equal to the pattern, and the Contractor's representation was, that they were stronger than the pattern; what was done in consequence of this? Were any more stockings allowed to the men, in consequence of those having been delivered which were bad?

A. When a man came to my Office with a complaint, which I look upon the proper place to come to, I ordered my people to change any of those that were bad, and give them some old ones that were returned in from dead men; we have an order, when a man dies, his cloaths are returned into my Office, and they are mended and provided for new pensioners.

Q. And that was the case with all that complained?

A. I believe most; when I thought it a just complaint, and that the man had not wore out his stockings by working as a labourer, or any thing of that kind.

Q. Was it done in the case of those men that complained to the Council?

A. I don't know who those men were, and should not remember if I saw the list of them.

Q. What is the method that the Council usually follow, when they want to communicate any thing to the Board of Directors?

A. They order the Clerk of the Council, I should apprehend, to present such a letter to the Board.

Q. Whether you have ever carried any thing before the Board of Directors by the desire of the Council?

A. I don't recollect that I ever have; I may, but I don't recollect that I ever did.

Q. I think you said, you told the Clerk that you had already made the complaint; where did you tell them that?

A. I told my Clerk, who told me the message.

Q. Do you know that your Clerk declared that to the Council?

A. I don't know that he did, but I believe he did.

[Mr. Godby withdrew.

Mr. IBBETSON called in again.

Q. Do you look upon it to be the duty of the Steward to make representation by the direction of the Council, to the Board of Directors?

A. No, I don't.

Q. Then you don't look upon Mr. Godby to be responsible in not making the second complaint at the desire of the Council, to the Board of Directors; whose business is it to make the complaint from the Council to the Board of Directors? How is it usually done?

A. I have never known it otherwise since I have been Secretary of Greenwich Hospital, that any complaint or any orders of the Council have ever come to me in any other way than under a cover from the Clerk of the Council; I never knew an instance where the Steward was desired to convey it, and I was surprised to see that tacked to this resolution; I never knew an officer a bearer of those Minutes, or was desired to represent them.

[Mr. Ibbetson withdrew.

Captain BAILLIE called in again.

Q. Give an account of any other abuses?

A. I beg to say a word or two upon the subject of these stockings. In the first place, we were very well served by the former Contractor of the Hospital for

stockings; there was no complaint in his time that I know of; the men were served with stockings made of double yarn. For the sake of reducing that contract only one penny a pair, or thereabouts, the contract was given to another man, who made them of single yarn, which was of very little use to the men. When the stockings were complained of, two thirds were issued to the pensioners, only one third was returned to the Contractor, and instead of prosecuting him for the penalty, they let him off; and I believe verily the same stockings were afterwards returned to the pensioners; there is a hosier here that can tell you more of that matter than myself, because he viewed a great number of those stockings, at the time the Committee of Enquiry were sitting, who refused to inspect into this matter; I beg leave to observe, that in regard to desiring the Steward of the Hospital to present that Minute of the Council to the Board of Directors, it was said, if we make a complaint about these stockings, let it go through the proper Offices, the Steward of Greenwich Hospital, your complaint may be attended to; we have made many complaints to the Directors, to which we have had no answer, as your Lordships will see by the Minutes, that they were never attended to, and therefore we applied through the proper Officer, hoping it would then be attended to.

Q. Did you ever employ the Steward upon that sort of business before?

A. No.

Q. I wonder you should think him a proper Officer?

A. Because he is a servant to the Directors, and because he is the person that has the inspection of all those kinds of stores, receives them, and ought to see that they are good and agreeable to the contract; he ought to tell the Directors of it; it is not to be supposed this can come immediately under their knowledge without his information.

Q. If you had sent this in the ordinary way by a letter to the Secretary, they would of course have sent for this man, and had the information from him, who was the proper man to give it, as I understood at the beginning of your examination upon this subject; if I am mistaken, the Clerk will set me right. I understood you said, that it was improper for the Council to apply to the Board of Directors for any order at all, and you thought it the duty of the Council always to make application to the Admiralty?

A. What we could not redress ourselves, I thought it our duty to represent it to the Admiralty; no complaint can arise in Greenwich Hospital, but from the misconduct of the Council or Directors.

Q. I understand you was President of this very Council who applied to the Board of Directors, whom you think the improper persons to apply to?

A. I have but one voice at the Council, and have been frequently and constantly over ruled at the Council, or else the affairs of the Hospital, I humbly conceive, would not have been in the plight they are now in.

Q. Did you at the Council propose preferring the complaint immediately to the Admiralty or to the Directors?

A. Not in that particular instance I did not, but I have in others; our Commission says, what we cannot redress ourselves, as I understand, we are to apply to the Board of Admiralty.

Q. There have been frequent instances mentioned of provisions having been represented to the Governor and Board of Directors as bad, by the malpractices of Clerks that received them, and of the Contractors, without redress; are there any more instances of that sort than what we have heard of?

A. Upon the subject of the putrid veal, that was served in the Infirmary, I believe we wrote three times to the Board of Directors, and to the Governor, who was in London; and in order to stimulate the Governor, we wrote him from the Council inclosed copies of two letters from the Board of Admiralty to the Council,

Council, in which the duty of the Council Officers is particularly pointed out, and no answer could be procured.

The Minutes of the 15th of April, 1774, read.

"At a Council the 15th of April, 1774. The Council finding no official answer is come from the Board of Directors, respecting the two Minutes of the 4th and 8th instant laid before them, complaining that the Clerks had not done their duty by receiving the meat complained of by the Physician, Surgeon, and Dispenser, and also that the Contractor had very much imposed upon the Hospital in sending such meat, unanimously desire, that the gentlemen of the Council, who are in the direction, would inform them what was done in the affair.

"The Lieutenant-Governor acquainted them, that he had told the Directors; he hoped something would be done, as the butcher had since that, on Monday the 11th instant, sent beef, part of which was so bad, as was obliged to be returned by the officers, whose duty it was to inspect it, and that if the butcher was permitted to go on, the patience of the pensioners would be worn out; upon which the butcher was sent for, and reprimanded.

"The Council are therefore unanimously of opinion, that the measures taken by the Board of Directors, after such incontrovertible evidence, have not been satisfactory to the Council, nor effectual to prevent the like abuses for the future, &c.

"The Council are likewise of opinion, that copies of the two Minutes, which were laid before the Board of Directors, together with that of the 18th of March, be laid before the Governor, that the Governor may please to take such steps as may more effectually prevent such mal-practices of the Clerks and Contractors in future; and that copies of letters from the Secretary of the Admiralty of the 19th of April and 7th of May, 1742, to Sir John Jennings, be also laid before the Governor; and that whenever the Council have occasion to lay any matters before the Board of Directors, they wish to have official answers thereto.

"By order of the Council,

"DANIEL BALL."

Q. What are those letters that are referred to in that Minute?

A. "They are three letters that we found in the books of the Council, from a late Secretary of the Admiralty, Mr. Corbett, reprimanding the Council very severely for not looking minutely into the affairs of the Hospital; that their Lordships had been informed by the Directors, that the men had been defrauded of their just allowance of provisions, and that there were frauds and abuses in the Hospital to the prejudice of the poor men; that he was commanded by their Lordships to desire the Governor to call together the Officers of the Council, and to let them know that their Lordships thought them very blameable for suffering such abuses to be practised, which could not have been without their extreme indolence in not looking into the affairs of the Hospital; that their own establishment in the Hospital was for the government, care, and protection of the poor men, and that it was their duty to look daily into every thing, and to remedy every disorder.

"That the allegations in the Officers report, that the pensioners had made no complaint, does rather aggravate their conduct, in suffering the men's patience to be so long imposed upon.

"That the Lords of the Admiralty had commanded him to express himself in such a manner as might shew their wrath and displeasure at such a proceeding.

"That their Lordships did very well know that the Directors had no power but in the manage-

ment of the revenue and estates of the Hospital, and in carrying on the works of the building, nor did they assume any on that occasion; but their Lordships should always take well of them any informations that tend to rectify any mistakes or omissions whatsoever concerning the state of the Hospital."

An entry read of an order of the Council the 4th of April, 1774, respecting the badness of the veal, viz.

P R E S E N T.

Lieutenant-Governor Baillie, Captain Mapleden, and ten other Officers of the Council.

"The Cook of the Infirmary having represented to the Dispenser, that the veal provided for the sick on Sunday last, was very bad, and Mr. Pocock having inspected the same, was of that opinion, and ordered it to be carried to the Physician, who, finding it unfit for the pensioners to eat, ordered it to be returned to the butcher, who refused to take it back, saying, in justification of himself, that it had been received by Mr. Court, the Clerk of the Cheque's Clerk, and Mr. Hambly, one of the Steward's Clerks.

"The Council were therefore unanimously of opinion, that the butcher had very much imposed upon the Hospital, by sending such bad meat, and that the Clerks did not do their duty in receiving it, and beg leave to lay this copy of the Minute before the Board of Directors, that they may be pleased to give such directions as may be thought necessary to prevent the like impositions in future.

"By order of the Council,

"DANIEL BALL."

Q. Was the complaint made, in consequence of this, to the Board of Directors, that they did not give an answer to it?

A. Captain Baillie. Yes; and there was no answer to it.

Q. In the Minute of the Council, of the 15th of April, 1774, to the Governor, notice is taken of two complaints being presented to the Board of Directors, to which they received no answer? What were those complaints?

A. Complaining of this bad veal—after that we complained to the Governor.

Q. There must have been a Minute of Council, stating that complaint.

A. This Minute of the Council relates to those complaints.

Q. How does it appear, that this Minute of the Council was laid before the Board of Directors?

A. Mr. Ball. It was laid before the Board of Directors by myself, who officiates for the Clerk of the Council.

Q. Does it appear there, that it was ordered to be laid before the Board of Directors?

A. Mr. Ball reads. "Resolved, that a copy of the Minutes, of the 4th and 8th of April, be laid before the Board of Directors, for their information in this affair; and also the Minute of the 15th to be laid before the Governor."

Q. Does it appear by any Minute of the Board of Directors, that it was laid before the Directors.

A. At a Board of Directors, on the 6th of April, a Minute of the Council of the 4th instant was read, in relation to some bad veal, &c. &c.

Mr. IBBETSON called in again.

Q. Is there any communication of that to the Council?

A. As much as there ever is, in any cases of this kind; which is, that the Lieutenant-Governor, and several of the members of the Council being generally at a Board of Directors—there are subsequent Minutes. At the next meeting, which was on the 13th of April, a Minute of Council, of the 8th instant, was read,

read, relating to some farther particulars concerning the veal complained of by them in the Minute of the 4th instant.

Q. What was done upon that?

A. That is all that was stated of it; the Board had given directions before; this only contains some fresh informations with respect to the subject.

Captain Baillie. I beg the Minute of Council, of the 8th of April, may be read, in order to explain what sort of veal it was.

Mr. Ball reads the Minute.

At a Council, the 8th of April, 1774. Present, Lieutenant-Governor Baillie, Captain Maplesden, Captain Allwright, and eight others.

"Wherein it appeared, that the Contractor said, he was ordered to send in small veal for the sick, by Mr. Taylor, the Surgeon; and Mr. Taylor being sent for by the Council, was asked whether he gave such orders to the butcher or his servants? He answered, that he never gave such orders, directly or indirectly; and that, to the best of his knowledge, he never saw either the Contractor, or any of his people. Mr. Taylor being likewise asked, whether he saw the veal complained of that day, said he did; and being asked his opinion of it, said it appeared extremely indifferent; the colour not good, very boazy, the skin full of air, the flesh flabby and loose, and in no degree marketable: and Mr. Pocock, the Dispenser, being asked his opinion of it, said, it appeared to him to be in a state of putrefaction, and confirmed Mr. Taylor's opinion of the meat. Mr. Thomas, the Surgeon's Assistant, being likewise asked whether he gave any orders to the butcher to bring small veal, said he never did; and it further appeared, by the evidence of James Webb, Thomas Hardcastle, and others, that the butcher's servant refused to take back this veal, &c.

"Resolved, That a copy of this Minute be laid before the Board of Directors for further information in this affair."

DANIEL BALL."

Q. Were the Minutes of that Council laid before the Board of Directors.

A. Certainly they were.

Q. Let us see what was done in consequence of that?

A. *Captain Baillie.* That is what was read in the Directors Minute of the 13th. After this the Council, on the 15th, made representation to the Governor, hoping we might have answers from the Board of Directors, when we had occasion to apply to them; but all to no manner of purpose; we never could get an answer from them in any way.

Q. Was there any remedy given?

A. The butcher was sent for to the Board of Directors, and there told by the Governor, that if he did not supply better meat, especially for the sick, he should not enjoy the contract any longer. I have already told your Lordships, that the butcher said, he would have the contract, that he would supply the Hospital with meat, and that there was no complaint of him or his meat till that troublesome fellow, the Lieutenant-Governor, got into office.

Q. to Mr. Ball. You are the Secretary of the Council?

A. Yes.

Q. It would appear in your Minutes, if there had ever been transmitted answers from the Board of Directors to the Council?

A. There have been Minutes from the Board of Directors, but I don't remember the answers.

Captain Baillie. I recollect one instance, when the complaints of the bad quality of the beer rose to an enormous height. The Directors answered upon a remonstrance from the Council, that they had acquiesced in their desire to cut off the water-cocks, which communicated with the beer pipes; it was on the 10th of May, 1777.

Mr. IBBETSON called in.

Q. What is the usual method for the Board of Directors upon receiving complaints from the Council at Greenwich Hospital, whether they ever return answers, or if they do, in what manner?

A. The general practice when they make any complaints, the Board redresses them if they can be redressed; there is generally, or almost always at all the Boards, either the Governor or Lieutenant-Governor, or persons of the House, present.

Mr. Ibbetson reads an Entry of the 10th of May, 1777.

P R E S E N T.

Sir Charles Hardy (Governor),
Captain Baillie (Lieutenant-Governor) Captain Hood (Treasurer) Sir Peter Dennis, Mr. Marsh, and several others.

"The Board resumed the consideration of the Council Minutes of the 21st and 25th of last month, and took into consideration another Minute of theirs of the 8th instant, relative to the bad beer; and having discoursed with the brewer, came to the following resolution, viz.

"That all the water-cocks in the brewhouse, which communicate to the beer pipes, be locked up; and the keys delivered into the custody of the Steward, till they shall be wanted for the purpose of opening the said locks, in order to cleanse those pipes, at which time he, or one of his clerks, are to attend with them; and when the business is done, and the cocks locked up, to take care of the keys, until they shall be wanted again for the like purpose.

"The brewer was at the same time told, that he must attend to the brewings himself, taste the beer before it be drawn from the vats for the use of the pensioners, and if he finds it not as it ought to be, not to let it be drawn off, but to serve such as is good, and in every respect fit for the men to drink, and no other, for which purpose he is always to have a sufficient stock in store; and if he finds that his servants are negligent or incapable of their duty, to dismiss them, and to appoint such others as he may think more diligent and capable, in their stead."

Adjourned.

Q. Did they communicate that to the Council?

A. No, nor there was no order of the Board for it to be communicated here; is a string of resolutions, and the remedy is applied immediately.

Q. What have you to say to this, Captain Baillie?

A. I beg leave first to say, that I have in my hand a copy of the Minute which Mr. Ibbetson has now read, given to me by Mr. Ball, in Ball's own hand-writing, and Mr. Ball having no access to the Minutes of the Board of Directors, he therefore could not have furnished me with a copy of that Minute but through Mr. Ibbetson or his Clerk. And secondly, I beg the first article of Mr. Ibbetson's instructions may be read, by which it will appear, that he is ordered to give answers in writing to all parties, making representations to the Board of Directors; otherwise, if the Lieutenant-Governor happens not to be present at the Board, it is impossible the Council can ever hear any thing certain concerning the complaints which they make.

Mr. Ibbetson reads the first article of his Instructions from a printed book.

"The Secretary, or his Deputy, is to attend at all the meetings of the General Court and of the Directors, and to read all papers necessary to be laid before them, and take Minutes of their proceedings, copies of which he is to deliver to all persons concerned, attested under his hands."

P

Captain

Captain Baillie. That is what I allude to?

Q. I will ask Captain Baillie, what complaints do you know have existed relative to any bad beer?

A. A great number of complaints.

Q. Is there one short fact about it? Do you recollect whether at one time there was any great quantity that the Council thought proper to start?

A. One hundred and eleven barrels of bad beer the Council were under the necessity to start at one time, because they were mixing it with new beer in the ton, for the use of the pensioners.

A. At what time was that?

Q. October 9th, 1775; there has been more complaints of the beer than of any other article, and it is a material part of the provisions of the pensioners.

Q. Does it appear that the beer was started by the Minutes of the Council?

A. I should think it certainly would.

Mr. Ball reads the Minutes of the Council, October 9th, 1775.

P R E S E N T.

Lieutenant-Governor Baillie,	
Captain Maplesden	Captain Lynn
Lieutenant Gordon	Lieutenant Moyle
Lieutenant Besson	Lieutenant Kerr
Lieutenant Le Fevre	Lieutenant Smith
Lieutenant Ansell	Mr. Godby.

The Lieutenant-Governor acquainted the Council, that he had received repeated complaints from the Officers and pensioners, of the bad quality of the small beer, and that he had as frequently admonished the master brewer thereof, without its being properly remedied; in consequence of which he now laid the said complaint before them, agreeable to the 17th article of the general instructions, for the regulating, and better government of the pensioners and servants of the said Hospital, wherein they are directed to apply a proper remedy, without delay, to all just causes of complaint. The Council thereupon went to the brewhouse, and tasted each vat of beer separately, and found one hundred and eleven barrels of the said beer, as four as the nature of small beer would admit of; and were unanimously of opinion, that it was neither good, wholesome, or fit for the pensioners to drink; and that it would be prejudicial to the health of the men to have beer that was turned, broke into new beer in the ton, which hath been hitherto practised; therefore ordered the said beer to be started, to prevent such practice in future. The Council also, upon tasting the beer for present use, found it good tasted, but very small, and scarce fit to keep a week, from brewing to brewing. And the master brewer being called in, and asked the reasons concerning the poverty of the beer, answered, that it could not be otherwise during the three summer months, from the heat of the weather, and drawing six barrels of beer from a quarter of malt; therefore proposed drawing half a barrel less during the above months, which would make a material alteration in the quality of the beer.

The Council having maturely considered the causes that might affect the quality of the beer, and examined the malt and hops, and compared the same with other samples, found the malt good, but the hops of an inferior quality; and having likewise considered the frequent complaints made formerly in the summer months, do unanimously recommend to the Board of Directors, the master brewer's proposal, for making no more than five barrels and a half of small beer (instead of six) from a quarter of malt, during three months in the summer, in order to answer the comfortable and salutary end intended for the general welfare of the establishment.

Adjourned.

Captain Baillie. I beg leave to observe, my Lords, that this bad beer was not during the summer months,

but in October, that is our October in Greenwich Hospital.

Q. Are there any more Minutes of the Council respecting the bad beer?

A. Yes, April 21st, 25th, May 8th and 30th; 1777.

Q. Read them.

Mr. Ball reads.

At a Council held in the Royal Hospital for Seamen at Greenwich, April 21st, 1777.

P R E S E N T,

Lieutenant-Governor Baillie,	
Captain Maplesden,	Captain Allwright,
Captain Lynn,	Captain Chads,
Lieutenant Moyle,	Lieutenant Besson,
Lieutenant Kerr,	Lieutenant Le Fevre,
Lieutenant Smith,	Lieutenant Ansell.

The Minutes of the last Council were read and confirmed.

The Lieutenant-Governor acquainted the Council that Captain Allwright, the Captain of the Week, upon duty, informed him, that Adam Meldrum, a pensioner, had, in a very quiet, decent, and orderly manner, complained to him in behalf of himself and several other pensioners, that their allowance of beer, for several days successively, had been of so bad a quality, that they could not drink it; that the beer served to them in the morning grew sour by the evening: that in consequence of such representation, the Lieutenant-Governor directed Captain Allwright, and Lieutenant Ansell, the Lieutenant for the Week, to taste the beer at the sinks at the usual hour of serving it, and to report to him if there was any just cause of complaint; and they having reported to him yesterday, that they had tasted the beer at the sinks, which was of a very indifferent quality, and the Butler confirming the same, the Lieutenant-Governor lays the matter before the Council, agreeable to the 17th article of the orders for the better regulating the pensioners and servants of the said Hospital.

Adam Meldrum, a pensioner, being then called in, and asked what cause he had to find fault with the beer, said, it had no taste either of malt or hops; that if he kept it three or four hours it grew sour, and gave him the gripes; and that it continued in the same state the whole week; and says, he was informed it affected several other men in the same manner. Being asked, why he did not complain sooner, says, that several people talked of complaining, but deferred it, in hopes that the beer would be better; upon which he replied, that he would complain to Captain Chads, and to Captain Allwright, the Captain of the Week.

Joseph Simpson, another complainant, being asked if he had any cause to complain of the beer, says, it was of a sour, watry, cold quality for about eight or ten days past; and being asked, why he did not complain sooner, said, he was sorry to be the first, hoping it would be better, but that the bad quality of the beer frequently gave him the gripes; and that he was served with the beer at the North side of the hall.

Several other pensioners gave much the same account; declaring, that all the men in their wards also complained of the bad beer. The two sink-men of the east and west dining halls, said, they imputed the bad beer to a mixture of beer and water, sent in through the pipes from the brewhouse; that they had complained to the Butler three times in eight days; that they had frequently seen twenty gallons of water let in between the old vat being out and the new vat turned on; and the same was corroborated by many others that that had been practised for some years past.

The Butler being asked, if he knew the cause of the bad quality of the beer, said, he supposed it to proceed from a mixture of beer and water turned on from the brewhouse.

Mr.

Mr. Fearon, the master-brewer, being called in, and the foregoing declarations of the pensioners read to him, was asked, to what cause he attributed the bad quality of the beer for eight days past, said, that the Butler sent to inform him, that there was water mixed with the beer; and having enquired of Pope, the foreman, was informed by him, that there was a cock which had communication with the reservoir of water to the pipes that convey the beer from the brewhouse to the sinks, which he supposed leaked; that he sent to the Clerk of the Works' office, and had it repaired. And Mr. Fearon being asked, whether he found any surplus of beer from the quantity of water let in between the servings from the different vats, remarked, that one day last week he had three barrels and a half surplus.

John Pope, the foreman, being asked if he knew the cause of the bad quality of the beer, said, there was a leak in the cock that communicates with the water from the reservoir to the main pipe, which he supposed mixed with the beer; that he applied seven or eight times to the Clerk of the Works' office before he could get it repaired, and that it was near six months since his first application; that when he first applied to the Clerk of the Works' office, he acquainted the master brewer with the defect.

Mr. Skeen, who attends for the Clerk of the Works, being called in, said, that about a month ago, Mr. Fearon, the master brewer, sent a note to the office, to repair the pipes at the brewhouse that wanted mending, which was done accordingly; and that whenever any application was made from the master brewer to repair the pipes, it was done immediately.

The Council, from the foregoing declarations, are of opinion, that the frequent complaints of the badness of the beer proceeds from the ready and easy communication of the water cocks with the pipes which convey the beer from the brewhouse to the sink where the beer is served; and therefore recommend it to the Board of Directors, for the safety and security of the pensioners, that their beer may not be impoverished with water, to have the communication of the water cocks cut off, as the beer pipes may be cleansed without them.

DANIEL BALL, Clerk of the Council.

Q. Was this representation laid before the Board of Directors?

A. Captain Baillie. Yes, it was; but we received no answer: the brewer was discoursed with again, upon these complaints, by the Directors.

Mr. Ibbetson read a Minute of the 7th of October, 1775, at a Meeting of the Directors, &c. &c.

Q. to Capt. Baillie. What was done in consequence of this?

A. I don't recollect that there was any such desire to me or the Council, directly or indirectly, in any way whatever, to survey the beer in the brewhouse; nor was I to be a messenger from the Board of Directors to the Council of the Hospital; it would well become the Directors themselves to visit the brewhouse. No such Minute ever appeared at the Council—Our complaint was on the 9th of October, 1775.

Q. to Mr. Ibbetson. Was Captain Baillie present at that meeting?

A. He was President.

Capt. Baillie. The Board of Directors have the expenditure of the money of the Hospital, and not the Council, and therefore the Directors are responsible that all sorts of stores and provisions be good.

Mr. Ibbetson. It is something extraordinary that this recommendation to the Council, which must have been carried to the Council by somebody, is dated the 7th of October, and on the 9th of October it appears that they had been to the brewhouse, and started this great quantity of sour beer.

Q. Then on the 9th there is an unanimous representation to the Board of Directors; what I wanted you to read, was, the proceedings of the Board of

Directors, in consequence of this representation of the 9th?

Mr. Ibbetson. I don't see any thing upon that Minute.

Q. When was the next meeting of the Directors after the 9th?

A. The 18th.

Q. Is there no notice taken of it there?

A. No—But I remember very well, the Board of Directors, upon some occasion, I don't know whether it was this, or upon some representation of the brewer, thinking it very improper to make any alteration, or to allow any more malt or hops than had been usually allowed, for every body knew his predecessor had brewed good beer, and every body knows his successor brews very good beer.

Q. Was there any body punished in consequence of this; the officer whose business it was to inspect this? Does Captain Baillie know of any body that was punished?

A. Capt. Baillie. I don't know that any notice was taken of it.

Q. Was the brewer dismissed?

A. No—On the contrary, there was bad beer again; particularly in the months of April and May, 1777—The men assembled in a body, and threatened to go to the Lords of the Admiralty; threatened to go to St. James's—I had difficulty to keep them back.

Q. Does Mr. Ibbetson know whether the brewer or hop factor were dismissed in consequence of this?

A. Not in consequence of this—But there are many entries by which your Lordships will see that the Board of Directors took a deal of pains upon the subject.

Q. Read the Minutes of Council or the Board of Directors, as they come in order.

Mr. Ibbetson reads the Minutes of the Council, 21 April, 1777.

Mr. Ibbetson. There came with it, at the same time, one of the 25th; they were both laid before the Board together—At a Meeting of the Board of Directors, on the 30th, the next after this, two Minutes of the Council, one of the 21st, another of the 25th instant, were laid before the Board—At the next meeting of the Directors at Greenwich, dated the 30th of May, the Board resumed the consideration of the Council Minutes respecting the beer, and took into consideration another Minute of the 8th, relative thereto—At a subsequent meeting, which is the 21st of May, a letter of this date from the Steward was read.

Q. Whether there are any steps taken between the first complaint that was read, previous to this, which, if I don't mistake, is in October, 1775, between 1775 and May 1777, that is above a year and a half, whether any steps were taken to rectify the complaints that had been made before?

A. I do believe that there were no fresh complaints laid before the Directors from the Council in that interval.

Q. Were any steps taken in consequence of the first complaints in 1775, by the Board of Directors?

A. The Board of Directors did understand what the Council had done in going to the brewhouse, and starting all that bad beer, which I believe they do not think they were perfectly right in doing, without consulting them; for it was a very large quantity of beer; which, though it was not fit for the use of the men, it might have been of some value to the Hospital; in consequence of that step, in the new book of rules and orders, that has been published under the Charter, there is an express direction, that whatever things upon surveys, shall be found unserviceable, shall not be thrown away or destroyed.

Q. I want to know whether any punishment was inflicted upon the brewer, for offering to give to the men such a quantity of beer that was unserviceable?

A. I don't know that there was.

Q. Was

Q. Was there any punishment inflicted upon the officer whose duty it was to inspect into it?

A. No.

Q. *Lord Sandwich.* Was there not a man, a turn-cock, that was detected in embezzling the beer, and turned off for it?

A. That is a very curious anecdote indeed; there was a man who had attended at one of those sinks or places where the beer is drawn, this man appears by the Minutes; his name I have just read; he is a principal complainant in this business, and, as the Council afterwards understood, a man who had stimulated others very much to complain; this man, in the absence of Captain Baillie, was brought before the Council; it was one of those Council of four only, that I have ever attended since I have had the honour to belong to the Council. I did examine him, and took Minutes, which I believe are now in my box; it appeared as clear as possible, that this man had embezzled great quantities of beer, had carried and given to the boys more than their proportion, more to the helpless ward than their proportion; that they had given him money and drams for the difference. He had embezzled the ale upon festival days in large quantities, and sent it out to his own house; upon all this appearing to the Council, they ordered this man to be expelled, and I joined in that heartily; now the situation of these sinks, where the beer is drawn, is such, that it is in the power of the sink-men themselves to mix the beer with water; for there is a water cock, as I understand, in order to cleanse the beer away that is spilt, that there is a water cock at hand; the beer is drawn off in large black jacks, four or five feet high; it is much in the power of men standing there to draw beer, to make up a deficiency they have occasioned by embezzling, to fill it up with a little water; that struck me and the Council, that this man, who was a principal complainant, had been the instrument in mixing the beer; however this embezzlement was very clearly proved, and he was expelled.

Q. What was the date of that expulsion?

A. Upon referring to the book, it is the 22d of August, 1777.

Q. Captain Baillie go on with any further account you have to give?

A. If your Lordships will be so good as hear the Minutes of the 8th of May, 1777, read, and also of the 25th of April.

Mr. Ball reads.

At a Council held in Royal Hospital for Seamen at Greenwich, April 25th, 1777.

The master plumber to the Hospital declared, that it was impossible such quantities of water could issue from any leak in the beer pipes, and proposed cutting off the water cocks and fixing a key, and lodging it with the Commanding Officer.

At a Council held the 8th May, 1777.

In consequence of a complaint from all the pensioners in the East dining Hall, this morning, of the badness of the beer, which they refused to take, that it was watery and ill-tasted; and Mr. Godby, the Steward, having, in the absence of the Lieutenant-Governor, acquainted the Captain of the week, that it was not fit to be served to the pensioners, the Captain desired it might be started into casks and gauged, and another vat of fresh beer served: and this afternoon, at half past two o'clock, all the men in both halls complained to the Lieutenant-Governor, that their beer was ill-tasted and watery; and he having directed the Captain and Lieutenant of the week, with the Steward's Clerk, in the absence of the Steward to taste the beer, and report to him if there was just cause of complaint, and they having reported to him that the beer is bad, ill-tasted and watery, and not fit for any men to drink, the Lieutenant-Governor thereupon summoned a Council, who sent for several pots of beer from both ends and the middle of each dining hall; and are unanimously of opinion, that it is thick, ill-tasted, and watery, and

not fit for the pensioners to drink, therefore resolved to repair to the brewhouse, to taste the beer in the vats, and found two vats, numbers ten and sixteen, of the same brewing not fit to be served to the pensioners; and having tasted another brewing, which was something better, ordered that the same be served, there being none of a better sort in the brewhouse. The master brewer, being asked what he had to say respecting the quality of the beer, acknowledged that it was weak, and of a very indifferent quality.

Resolved, that the Lieutenant-Governor be desired to wait upon the Governor with a copy of the above Minutes, hoping he will take some method with the Board of Directors for the relief of the pensioners.

DANIEL BALL.

Captain Baillie. I have besides surveys of the Officers of the Hospital upon the beer, wherein they report the beer not to be good on the 5th of July, 1774; there is a survey upon the beer.

Q. Read those surveys?

Royal Hospital Greenwich, July 5, 1774.

S I R,

According to your desire, we have tasted the beer complained of, and find it thick and weak, but neither stinking nor sour; and as there is only a small quantity, sufficient to serve two days, are of opinion, that it is not so bad as to be thrown away, but that the pensioners may drink it.

We are, Sir,

Your most humble servants,

JARVIS MAPLESDEN, Captain.

A. GORDON, Lieutenant.

THEODORE COURT, for Mr. MAULE,
Clerk of the Cheque.

I am of opinion that it is not bad small beer.

To the Lieutenant-Governor.

JOHN GODBY.

Here is another report signed the 2d of October, 1775.

Q. Read it.

Royal Hospital Greenwich, October 2, 1775.

S I R,

Agreeable to your desire, we have been to the brew-house and tasted the small beer for the use of the pensioners; but as the master brewer has intimated to us, that he is to give his reasons to the Board of Directors next Saturday, relative to the said beer, we beg leave to postpone our opinion for the present.

We are, Sir,

Your most humble servants,

FRANCIS LYNN, W. LEFEVRE,

J. HOSSACK, JOHN GODBY,

For Mr. MAULE, THEODORE COURT.

To Lieutenant-Governor Baillie.

Q. Were they a Committee from the Council, or from the Directors?

A. The brewer intimated he was to give his reasons to the Board of Directors, and not to the Council.

Q. Were those people who have signed that report a Committee of the Council? Did the Council authorize them to make the survey?

A. No; it has been the custom frequently, upon particular occasions, for the Commanding Officer to order such a survey.

Q. Are there any rules and orders authorizing the Lieutenant-Governor to order such a survey?

A. I don't know that there are; it has been the custom.

Q. There was no person punished for this beer?

A. Neither the brewer, his servant, the Steward, nor the Clerk of the Cheque, nor either of their Clerks, that I know of.

Q. Whose business is it to inspect the beer?

A. The Steward and the Clerk of the Cheque, and their Clerks, are to inspect the brewery.

Q. Whether

Q. Lord Chesterfield. Whether the beer has been in general good, or in general bad, in the Hospital?

A. There has been a great number of complaints.

Q. That is not an answer. I want to know if, in general, the beer was bad? You said many people preferred being put upon the Butler's List, because by that means they had their small beer at the Hospital, which is free from excise, and better than they could buy; I don't think bad beer is better than money to buy good; I want to have that explained?

A. I don't understand that the small beer is always bad; but these last four years it has not been good beer, such as might have been expected in a Royal brewhouse. I don't know the number put upon the Butler's List annually; there may be ten or twenty added in a year, no great number.

Q. Has that been the reason the last four years, as well as former years when the beer was good, of being put upon the Butler's List?

A. The people upon the Butler's List get almost as much as when they are upon the Money List.

Q. Have the numbers differed?

A. I don't know as to that point; many of the men prefer the Butler's List to the Money List.

Mr. GODBY called in again.

Q. Has there been any complaints made of the badness of the beer, since Luke Davis has been expelled?

A. I don't recollect one.

On Wednesday, March 24th, the Lords met again on the business of Greenwich Hospital.

The Duke of Richmond rose and moved, "That the Chairman of the Committee do leave the Chair, and that the House be resumed."

His Grace insisted upon it, that as he meant to complain of a breach of privilege against Captain Maplesden, for sending away, from the House, witnesses under summons from their Lordships, his motion was a matter of right, and not of debate; that all complaints of breach of privilege, according to the standing orders on the journals, must supersede every other business; he therefore would not recede from urging, that the House be resumed.

His Grace defended the pensioners who had cheered the Lords, as they entered the House, and said, that there was no breach of the peace in their conduct; that the warmth they shewed did them honour; that it was the characteristic of British seamen; a sample of that honest zeal, to the repeated exertions of which this country owed all its greatness, its happiness, and its glory! He also laid it down as a matter of right, for the pensioners, or for any other persons whose cause either was, or was not, under the consideration of Parliament, to stand in the street near the doors of Parliament, so long as they did not commit what the law termed a riot, or what the law construed a breach of the peace; on the other hand, he argued, that Captain Maplesden had been guilty of a gross insult to that House, in a most unjustifiable piece of conduct respecting the pensioners. Whatever might be the discipline, even the necessary discipline of the Hospital at Greenwich, he held it as a matter exceedingly clear and obvious, that when the pensioners were summoned as witnesses of that House, that during the operation of the summons, all discipline, respecting them as pensioners, must be suspended; they were in charge of their Lordships, and not subject to the controul of any other persons whatever. That telling the witnesses that he would mark them, and holding up his cane, were tokens of awe, and tokens of menace, which he could prove Mr. Maplesden used, and which might have a bad effect on the minds of men, who, from their situation, were under his influence as Lieutenant-Governor.

His Grace said, such a mode of conduct might effectually check and prevent the object of the present enquiry,

which was the discovery of truth. Upon the whole, he contended, that the matter highly demanded their Lordships' attention, and that the present was of all periods the most proper to take it under consideration; because, if it were not immediately enquired into, such pensioners as it should appear necessary to call to the Bar, in the future course of the enquiry, would be afraid to speak out, if they were not certain of meeting with the protection of their Lordships; and the Lieutenant-Governor might go on, punishing and imposing mulcts upon the witnesses, if he were not given to understand, that the House kept a wary eye on his proceedings.

The Lord Chancellor as strenuously contended, that Captain Maplesden's conduct rather merited the praise than the censure of their Lordships. He declared he had himself observed the mob of pensioners, at the door of the House, when he alighted from his coach; that their behaviour was very improper and unseemly; that he expected to have heard something relative to it, in the course of last Wednesday's business; that it was extremely wrong to suffer the doors of Parliament to be besieged either by Greenwich pensioners, or by any other description of persons, whose cause was under Parliamentary enquiry; the example, though in the present case not very alarming, might be extended so far as to become matter of serious wrong; that the Peers of that House, or the Members of the other, ought to have free and undisturbed access to both Chambers of Parliament. If, however, the noble Duke was resolved to make a formal complaint of a breach of privilege, undoubtedly he, or any other Peer, had a right to prefer such a complaint; in that case, he intreated the noble Duke to consider whether it would not be better to let the complaint stand over till the enquiry was ended; he was not himself aware that any pensioner who had been summoned as a witness, had been prevented from attending; if, however, the noble Duke had proof of any such matter, the proceeding, let it originate from what quarter it might, was an atrocious act, and merited severe censure.

In answer to the learned Lord's saying that the House was besieged, the Duke of Richmond declared he had not heard of any sort of siege, but a siege of cheers and kisses from old men and old women, pensioners and nurses in the Hospital, entreating to have their old Lieutenant-Governor again; that he understood several Lords were almost smothered in the way from their carriages to the staircase.

Lord Fortescue declared, for one, that he never had been so kissed in his life; that it was rather unfair in the women to attack him in that manner, and open their trenches before him as they had done, because he was now an old man, and could not open his battery upon them in return.

Lord Mansfield supported the Lord Chancellor, saying, however, that he passed through a double rank of pensioners, who only huzza'd, and called out for the restoration of their old Lieutenant-Governor. The Lord President spoke also on the same side.

Lord Camden and the Duke of Grafton on the side of the Duke of Richmond. The former asserted that the pensioners had a right, a legal and a constitutional right to assemble before the door of Parliament; that every British subject, and every man in existence, let his station in life be what it might, had the same right; and he hoped to God, the day would never come when that right should be taken away.

His Lordship added, that he had observed the learned Lord on the Woolpack had only said, that the pensioners had assembled at the doors in an unseemly manner, by which expression, he conceived, the learned Lord did not mean to dispute their right of assembling as a matter contrary to law.

The Duke of Richmond, in reply to the mention which had been made of the word riots by the noble speakers in support of the Lord Chancellor, said

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he was no friend to riots; that he thought as ill of them and their abettors, as any man could possibly do; that it was grossly perverting the meaning of language, to apply the word riot to an assembly of the poor pensioners at the door of the House the preceding Wednesday, who attended only with an humble petition; that he remembered what really deserved the name of riots, and that was, the assembling of the weavers at the door of the House some years ago; he remembered the proceedings of the Committee instituted to enquire into the proper mode of punishing those rioters, and the sudden manner in which those proceedings were stopped; why they were so hastily stopped, the Lords, who undertook that business, best knew.

Lord Shelburne, with his usual perspicuity, supported the Duke of Richmond. He began with professing his extreme candour in the whole business of the enquiry; that he was determined to keep himself perfectly impartial, neither to give any judgment, nor to suffer any opinion to be drawn from him till he had heard the whole of the evidence, and was fully competent to decide on the subject. He was free to confess, that all he knew previous to the commencement of the present enquiry, was from reading Mr. Baillie's book, above a year ago; that it was then sent him, for he had not sought after it; that Captain Baillie had since called repeatedly at his door, but he never had seen him; that he had not an idea, that the noble Lord at the head of the Admiralty could possibly be proved to have been at all concerned in causing bull beef, bad veal, bad shoes and stockings, and sour beer, to be served out to the poor pensioners. That the noble Lord certainly must be above any such petty larceny baseness, however he might appear neglectful in not having taken proper care of the navy, or in discharge of the other leading duties of his office, as President of a great and important Board, where he might be employed with much honour to himself, and advantage to the public, in fitting out his fleets, and giving his orders there; that he would own, were he in the noble Lord's place, he had much rather stand accused of the greater crimes of neglect of the navy, &c. than have it imputed to him that he had either encouraged, countenanced, or winked at any such pitiful frauds and impositions on old men, old women, and helpless children, as the present enquiry tended to bring to light, and in which the noble Lord seemed so highly interested by his regular attendance.

At length Lord Sandwich rose, and begged that the noble Lord might be permitted to quit the chair, and that the House might be resumed. He said the present debate looked to him like an intention either to check or procrastinate the enquiry, or to ground a pretence for putting a stop to it altogether; that it was his interest and his wish that it should proceed.

His Lordship said it would be unjust to him if any sort of impediment was thrown in the way of the enquiry. He considered the conduct of Captain Maplesden as highly laudable; he had no doubt it would appear so, and therefore he begged that the House would also do the Captain the justice to suffer it to be enquired into.

At length the question was put, and carried to examine witnesses on a breach of privilege.

Charles Smith, a Boatswain, was called in, being one of those persons who was threatened, severely mulcted, and reduced to a private pensioner by Captain Maplesden, for not dispersing what he called a mob, though he shewed him an order for his attendance on the House, when this witness appeared and was sworn.—The Duke of Richmond put the following question to him:

Q. Did Captain Maplesden threaten you with a cane or stick over your head, at the door of this House, on Wednesday last?

The Lord Chancellor immediately interrupted his Grace, by putting the question thus:

Q. When Captain Maplesden came down to the door of the House, what did he do?

Upon this obvious alteration, the Duke of Richmond instantly ordered the witness to withdraw, and as soon as he had withdrawn, his Grace charged the Lord Chancellor with having assumed a right to alter his question, a prerogative which did not belong to him.

The Duke of Grafton very warmly attacked the learned Lord on the Woolfack, and spoke to his want of fairness and candour with a very becoming spirit. His Grace said the breath had scarcely escaped the lips of the learned Lord, which served him to express the question, before it was perverted; observing at the same time, that he would never suffer such a conduct to pass uncensured, whilst he had the honour of a seat in that House; it is true, he said, persons may be called up there for the purposes of Administration; if, however, a day should arrive when the House swarmed with lawyers; if the benches were stuffed full of pleaders, he hoped the ancient and hereditary nobles of the land would have spirit enough to resist the confident incroachments of that profession, and would neither suffer sense and reason to be cavilled away in verbal distinction, nor the forms and orders of their proceedings to be altered at the will of any one Lord, however high in Office, however great his abilities, however respectable his character.

The Lord Chancellor left the Woolfack, and said he was exceedingly astonished to hear himself accused of having assumed any thing which did not properly belong to his situation; that on the present occasion he had no difficulty to admit, that he had altered the words of the noble Duke's question; in justification, however, of his conduct, he had only to say, that he wished to expedite the proceeding of the enquiry, and therefore took upon him to alter the question, as it appeared to him to be a leading question, which in his Grace's form could not be put, without some alteration; but as it was rather in point of form than in substance, he should have first remonstrated with the noble Duke, and then have asked his permission to have changed it.

His Lordship then, instead of defending the dignity of a private birth on the *equal line of Nature*, descanted on the labours of his profession as a compensation for the honours attached to it, and that those labours which hereditary Lords were not born to, should make them happy in their own situations, without reflecting on those of others; that when he looked back on the lineage of the ancient and hereditary nobility of the kingdom, it was, however, not a little flattering to him, that a great many of the present Peers had sprung from men who had filled the Office he had the honour to hold, and some from persons not equally intitled to the honours which they possessed.

Lord Mansfield justified the Lord Chancellor's mode of altering the question, and said it was a common custom in both Houses of Parliament, for the ease of business; that he had sat many years in both Houses, and had often been a witness to it, and never heard it objected to before.

The Duke of Richmond ably defended the propriety of his question, and having shewn the advantageous ground of *Truth over Law*, declared, that the learned Lord's quoting the custom of the other House of Parliament should not satisfy him. That the learned Lord on the Woolfack had no right to alter his question without consulting him, and that if he did not allow that he had assumed an improper power, he would move the House in form, that the learned Lord had done what he was not warranted to do by the forms of the House.

The Lord Chancellor again left the Woolfack, and repeated what he had said, in acknowledgment of

of his having no right to alter any Lord's question; he declared he had done it for the sake of accommodating business; that as to consulting the noble Duke, he had no right to consult him, for that the moment the noble Duke had uttered the question, it became the question of the House, and the proper mode would have been for him to have appealed to the House, if the question ought to be put. He thought it, however, much more manly to confess an error than to persist in it, and therefore he was easy in declaring, that he had, though from a good motive, acted contrary to order.

The Duke of Richmond admitted what the learned Lord had said as a sufficient explanation, and joyfully added, "That hereditary birth did not always exclude persons from labour; for though he was born noble, and was not in office, he believed the learned Lord would not say he had never any labour upon his hands."

At length the Committee proceed to examine witnesses, and Charles Smith, Boatwain, was again called in and examined.

Wednesday, March 24, 1779.

CHARLES SMITH, a Pensioner, called in again.

Q. Inform the House whether you was here any day last week.

A. Yes; last Wednesday.

Q. Was you ordered to attend the House?

A. Yes.

Q. You had received an order to attend the House?

A. Yes.

Q. As a witness?

A. Yes.

Q. Did you attend it?

A. Yes.

Q. Inform the House what Captain Maplesden said to you, what passed between you?

A. Nothing, that I know; but we attended here; we were giving three cheers to every Lord, and wishing that we might receive our Lieutenant-Governor Baillie again: Captain Maplesden came out and ordered silence, and ordered me to withdraw the men off; I said, if he could not do so, to so many hundred men, how could I do it? accordingly he ordered me to withdraw myself: I said, I had as much right as another man to stand there, and I staid there till the Duke of Bolton came up; and when the Duke of Bolton came up, he spoke, and asked what was the reason; and I said, that we all staid there for the sake of wishing that we might have our Lieutenant-Governor into the House again, that was all that was said, and the mob all dispersed directly; if you call it a mob, there was no mob in the case, no quarrelling, but only gave three cheers to the Lords, and we all dispersed directly.

Q. Was that upon the Duke of Bolton's desire?

A. Yes; he desired us to withdraw.

Q. What did Captain Maplesden do to you?

A. He ordered me to come and draw the people off; I told him if he could not do it, how could I; for I was but one man? he said, then get away yourself; I said, I had a right to stay there, as well as another person.

Q. Did Captain Maplesden do any thing to you?

A. He came with his stick, with a flourish over me, and went to run it in my face. I said, it is a thing beyond my ability; if you cannot do it, which way can I? he up with his stick, and was going to shove it into my face, because I did not do it. As soon as the Duke of Bolton spoke to me, after we had given every body cheers, we withdrew directly; not by my order, but by the good consent of every body; after they gave the Lords three cheers when they came in, then we withdrew.

Q. How long was the three cheers after Captain Maplesden had been talking with you?

A. Not more than a quarter of an hour.

Q. Whether you said any thing to Captain Maplesden, relative to your being summoned to attend this House?

A. Yes, and pulled out my pocket-book to shew him my summons; moreover, he did not take it from me, but I put it into my book again, after the people had all withdrawn.

Q. What did Captain Maplesden say, when you shewed him the summons?

A. Nothing at all then, for he did not take it out of my hand, and so I put it in my book again; after we had done that, we spoke to the Duke of Bolton again, and then we all withdrew.

Q. Are you very sure that you mentioned to Captain Maplesden, that the paper that you shewed him was a summons, or a subpoena, from the House of Lords?

A. Yes.

Q. You are sure of that?

A. Yes, and pulled it out, and was going to shew it to him, but he did not take it out of my hands, but I opened it to him.

Q. When did you return to Greenwich Hospital?

A. That same night.

Q. What happened to you, after you returned to Greenwich Hospital?

A. The very next day he ordered all of us, that he picked out as he thought proper, to appear at his own house, and he kept us all in doors and examined us; after examining us, bringing us to a Council that we have in our House once a week; but instead of that, he made a private Council of it; he broke me, that is, taking one shilling and six-pence out of two shillings and six-pence, which is my salary per week.

Q. You were summoned to a Council?

A. Not summoned to a Council; he ordered us there instead of summoning us properly to the Council-room, as it should be; he made a private Council of it to himself, and so called us all, one by one; and as for my part, he examined me so; at last he damned me, and bid me be get out of his house: I made answer, I did not want to come there, if he had not sent for me. On the Monday following he had a Council on it; he brought me to the Council and broke me, and he broke another; he mulcted another twenty shillings, and another ten shillings, and another five shillings, and another four shillings, and then he expelled a nurse of the House, for three months; and the man that was Mate of the Painted Hall, he happened to kick a dog in the Painted Hall, and he was turned out of the House.

Q. What do you mean by saying Captain Maplesden broke you?

A. I am a Boatwain of the Hospital, and I wear this lace; now he has broke me, and taken this lace away; and out of my pay, which is two shillings and six-pence a week, he has taken one shilling and six-pence away, and I have but one shilling remaining.

Q. Was that done by the order of the Council?

A. By his own order; it was a private Council,

Q. On what day was that Council?

A. It was a private Council, which should have been on the Friday, he brought it on the Monday.

Q. Was any other punishment inflicted upon you?

A. I was to go into the Hall and stand in the pillory, and ask his pardon.

Q. Whether you did go into the Hall and stand in the pillory?

A. Yes.

Q. What was the crime you was charged with?

A. For disobeying his orders at the House of Lords, in not taking the mob off as he ordered, which was a thing impossible for me to do.

Q. Whether you saw Captain Maplesden, on the Wednesday, endeavour to drive away any other persons from the door of the House?

A. No,

A. No, he only pitched upon me; and as he did it, another man, a man that attends upon our office, took our names down, and another fellow that was there, was his witness; so there they took down what few people they pitched upon, and those he owed an animosity to; he took our names down.

Q. Whether you did go away, on the Wednesday, in consequence of Captain Maplesden's order?

A. Not directly, not before we were done with here, at the House of Lords, then we went home.

Q. Was it your charge to bring the witnesses from Greenwich, to the House of Lords?

A. No, only I came up in the coach along with them; but these people were all here long before we came.

Q. Whether you cheered any particular Lords, or whether you could distinguish one Lord from another?

A. Not at all; we cheered every one as they came by.

Q. Who set you to cheer the Lords?

A. No soul, it was by nobody's order, but only by the men's own good will. We witnesses did not know that the pensioners were all here.

Q. Who put you upon cheering the Lords at all?

A. God Almighty knows, it was their own doing.

Q. Did any body put you upon cheering the Lords?

A. No.

Q. Was it of your own thought?

A. Our own good will.

Q. Was you the oldest Boatswain attending, or ordered to attend the House?

A. No.

Q. Whether any of the pensioners that were summoned to attend the House of Lords, to give evidence, were sent away before they had given their evidence?

A. We did not go away before the House of Lords broke up.

Q. How many pensioners were there?

A. God bless my soul! I cannot tell.

Q. As near as you can guess.

A. I suppose two or three hundred.

Q. Were they all witnesses?

A. No, no; not we witnesses; I don't speak of them; I speak of the people that were cheering.

Q. How many of them were there that were witnesses?

A. I believe about a dozen.

Q. Whether you met with any obstruction in coming down to the House of Lords to give your evidence?

A. No; we came down very well, and went home again very safe; nobody affronted us, only Mr. Maplesden.

Q. Did Captain Maplesden obstruct your coming to give evidence?

A. No.

Q. Did Captain Maplesden order all of you, or the witnesses only, to go?

A. All.

Q. Did Captain Maplesden ever order you not to come again?

A. No, he never was against that.

Q. When you retired, was it at the order of Captain Maplesden or at the desire of the Duke of Bolton?

A. I must tell you the truth; by the Duke of Bolton's order.

Q. How long had Captain Maplesden ordered you to retire before the Duke of Bolton ordered you?

A. About a quarter of an hour.

Q. Whether Captain Maplesden ordered you to retire after you had shewn him the summons from the House of Lords, or before?

A. Before; I offered to shew him the summons then, but he would not take it out of my hand.

Q. Did Captain Maplesden order you to retire after you had shewn him the summons?

A. Yes; but we did not disperse before we gave the last three cheers; not before the Duke of Bolton spoke to us.

Q. Whether Captain Maplesden ordered you to retire after you had shewn him the summons from the House of Lords?

A. Directly—He did not take it from me, but he ordered me to retire then, and I said I had as much right to stay there as any one there.

Q. When was that? Before he ordered you to go, or afterwards?

A. Afterwards.

Q. Was it before or after you shewed him the paper?

A. It was at the time I shewed him the paper; when I put it up into my pocket-book, then I told him that.

Q. Did he, after you had shewn him the paper, order you to go home?

A. No, he did not.

Q. Do you not understand that each pensioner of Greenwich Hospital has, by leave, a right to be absent twenty-four hours?

A. Yes.

Q. Were all these that came here under that description, persons that had a right to the twenty-four hours absence?

A. They were all at home; I question whether there were five of them laid out.

Q. Have any Officers of the Hospital, if men are absent during those twenty-four hours, any more right than any other persons, without they find those men are acting disorderly, to order them to disperse?

A. No. They ask leave before they come out, and they may stay.

Q. Whether Captain Maplesden ceased giving you any orders as soon as you shewed him the order of the House of Lords for your attendance?

A. He spoke no more to me; he never gave me any more orders afterwards.

Q. He did not order you to retire?

A. Not after; he had no more to say afterwards to me.

Q. How long have you been in Greenwich Hospital?

A. Eleven years.

Q. How long have you been a Boatswain there?

A. Ten years and ten months.

Q. How long had you been at sea before you went to Greenwich Hospital?

A. Forty years.

Q. In what service have you been?

A. Thirty years in the king's service.

Q. Was you ever in the East-Indies?

A. Yes.

Q. And in the West-Indies?

A. Yes; and at Newfoundland, and other places.

Q. Did you use any other words to Captain Maplesden, except that you had as good a right to be there as the other people?

A. No other words, as I know—not any words of impudence.

Q. Was you ordered back to Greenwich?

A. No.

Q. Only to keep farther off?

A. Yes; and I came into the lobby afterwards.

[Charles Smith withdrew.]

MARY ROSE, a Nurse, a seaman's widow.

Q. What passed between you and Capt. Maplesden, on Wednesday last, at the door of the House?

A. When Captain Maplesden came out, he shook his cane over his head, and bid us disperse, when we were seeing the Honourable the House of Lords come in.

Q. Over whose head did he shake his stick?

A. Over his own head; and bid us disperse by order of the House of Peers.

Q. What did Captain Maplesden say?

A. He

A. He swore a very great oath, and bid us disperse; and, damn it, if we did not, he would mark us all, and punish us very severely when we came home.

Q. Were you punished?

A. Yes; I was brought before the honourable Council, and must half my wages for seeing the honourable Peers come; and was very basely ill used by what he was pleased to say to me besides.

Q. What did he say?

A. He made use of a great many words, called me huffy and jade, and used a great many words not proper to make use of before your Lordships.

Q. Was you summoned to attend the House on Wednesday?

A. I was; and I told him so; and he damned me, and asked me, how I dared to come without an order from the house.

Q. What house do you understand he meant by saying an order from the House?

A. That I did not ask leave of Greenwich-house; I thought the summons was sufficient.

Q. Did he order you to go away after you said you was summoned by order of the House of Lords?

A. Yes, he did; and told me he would mark me for so doing, and take notice of me when I came home.

Q. How much was you fined?

A. Twenty shillings.

Q. Where did Captain Maplesden bid you go?

A. He bid us disperse and go home; these were the words he said.

Q. Did you shew Captain Maplesden the summons of this House?

A. Captain Maplesden knew very well that I was summoned; he asked me, and I told him, yes—he did not ask me to shew it to him?

Q. Did you offer to shew it to him?

A. No; he did not ask it, and I did not shew it.

Q. Was it said to you in particular, or to you all together?

A. He bid us all disperse.

Q. Then what he said was no more spoke to you than to the rest?

A. No, he bid us all disperse; and he told me, when he went by me, that he would mark me when I got home; and so he did.

[*Mary Rose withdrew.*]

DOROTHY PERRY called in — a seaman's widow.

Q. Was you at the House of Lords on Wednesday last?

A. Yes.

Q. Did you see Captain Maplesden there?

A. Yes.

Q. What passed between Captain Maplesden and you?

A. When he came out of the coffee-house, there were a parcel of people standing by the side of the coffee-house, pretty near the door of the House; when he came out, he came up to Boatwain Smith; he passed me; Boatwain Smith stood beside me; he turned to him; he had a cane in his hand; he ran it up close in Boatwain Smith's face, and damned him, and asked him how he came there: Boatwain Smith said his feet brought him there: Captain Maplesden damned his feet, and desired him to take all the men and women home, and take every body away. He said he did not bring them there, and it was not his business. Captain Maplesden said if he did not, he would punish him. Boatwain Smith said he could not help it, whether he did punish him or not, for he could not take the people away. Captain Maplesden said if he did not, he would mark him.

Q. Did any thing else pass in your hearing?

A. Not concerning Captain Maplesden; we came away soon after?

Q. Did Captain Maplesden say any thing to you in particular?

A. No.—He spoke to Boatwain Smith to call us all away. Us that had summonses said we had summonses, and had therefore a right till we were taken into this House—Your Lordships had not all come in then.

Q. Did you tell Captain Maplesden that you was summoned?

A. I told it in his hearing, close by him; when Boatwain Smith said he had a summons, he damned him, and us all, and told him to take us away, and the summonses too.

Q. Did Captain Maplesden order you to go away, or to go to any particular place?

A. He did not order us to go to any place here in London; he ordered us to go to Greenwich.

Q. What time of day was it that he said this?

A. About two o'clock, to the best of my knowledge.

Q. Did you stay till this House was up?

A. Yes; we staid till the House broke up that night; it was about eight o'clock.

Q. Did all the witnesses stay till the House was broke up?

A. Yes.

Q. Did the rest of the people disperse?

A. Yes; every body but them that were summoned went away directly.

[*Dorothy Perry, Nurse, withdrew.*]

After the examination of these three witnesses, who fully proved the menaces and mulcts of Captain Maplesden towards them, it was moved by the Duke of Richmond, that the Captain might be summoned to answer for this breach of privilege to the House; but it was contested warmly by the other side on the ground of impropriety.

The Lord Chancellor, Lords Mansfield and Bathurst (for all their arguments ran in the same stream) stated, that as there was no degree of criminality proved against Captain Maplesden, it would be contrary to their Lordships justice to order his attendance.

The Duke of Richmond, Lord Camden, and many other Lords combated this doctrine with great calmness, clearness, and precision; Lord Camden, in particular, asked what greater degree of insult could be offered their Lordships, than by attempting to drive away witnesses from their attendance. As to the actual forcing them away he did not, probably because it was not in his power, but he held out terror to them, to do so; he commanded them away, threatening, with oaths and imprecations, to mark them; and to confirm all this, the very next morning, without waiting for the usual Council day, he fined, and otherwise punished them severely as delinquents.

Notwithstanding this, a majority of 55 to 20 thought there was no manner of occasion for Captain Maplesden's attendance.

Adjourned till to morrow.

Thursday, March 25th, 1779.

Captain BAILLIE called in.

Q. Whether there has been any abuses in the linen in Greenwich Hospital?

A. There have been many complaints made to me by the pensioners of Greenwich Hospital, that the quality of the linen has been very different from what it used to be, that it has decreased in size as well as in goodness.

Q. Inform the House whether you made any experiments, to know whether it was decreased in size?

A. In consequence of that information, I sent the proper people, as I thought they were, the Boatswains and Nurses, into the different quarters of the Hospital, to measure the linen throughout the Hospital, in particular in the Infirmary, where I thought it was of the most consequence; the persons who

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measured

measured the linen there, brought reports to me that all the mens sheets, upon an average, were deficient in half a yard in every pair, one with the other; some wanted a yard, some three quarters of a yard, and the average about half a yard upon the whole, generally throughout the Hospital.

Q. Is there any body here that can speak to that?

A. There are the people here who measured it; they likewise measured the shirts; Thomas Field measured them.

Q. As to the goodness of the linen that has been delivered out at this time, in comparison with what has been delivered out before, have you any samples of that?

A. There are patterns of what they had some few years ago, and what they have now.

Q. Have you some with you now?

A. I brought them with me for that purpose, that there might be no mistake as to the evidence.

Q. Be so good as to produce them.

Captain BAILLIE produces several Samples.

This is the bed-ticking the men were allowed formerly, such as any nobleman in this House might lie upon in comfort. This is what they have now; it is an inferior quality, not worth a quarter part of the money of the other; it has no duration in it, it is not fit for the pensioners of Greenwich Hospital. This is what they used to have formerly for their shirting; it is of a very good quality; there is a blue stripe in it, that there might be no reduction whatever in the cutting it; the mode now is greatly altered, there is no such precaution taken, the linen is not worth half the money, nor will it last half so long; it is obliged to be patched and mended before a year is out; in like manner the nurses of the Hospital, a number of whom are very respectable characters, there are a matter of twenty-four of them that are Sea-officers widows, reduced to that sad necessity of being common nurses; the gowns they give them are not so good as they used to be, they are worse than work-house cloaths, worse than pauper's linen; these are the patterns, (*producing them*) their pillow-cases are made now of dowlas, of a bad quality, formerly it was a very good cloth, such as any body might lay their heads upon in comfort; their beds were formerly filled with very good wool, and flock of the finest sort, now it is rather a cutting of mops, or something of that sort.

Q. Who is the person that measured the linen?

A. Thomas Field.

Mr. MAULE called in, the Clerk of the Cheque.

Q. Have you made out that account you was ordered to do?

A. I have. (*It is delivered to the House*).

THOMAS FIELD called in, one of the Boatswains.

Q. Did you measure any linen belonging to the Hospital at any time?

A. Yes.

Q. How much did you measure?

A. I measured three hundred and eighty-eight pair of sheets in the Infirmary.

Q. How much did they measure?

A. They measured half a yard short and better in each pair of sheets.

Q. Half a yard short of what?

A. Of the cloth; I had been told by the Lieutenant-Governor, that they were to be two yards and one half long, five yards in each sheet; there are two breadths in a sheet.

Q. Upon an average, how much did they measure short of that?

A. Better than half a yard.

Q. In each pair, or in each sheet?

A. In each pair.

Q. Upon what number of sheets did you say you made this measurement?

A. Three hundred and eighty-eight pair.

Q. And upon each of the three hundred and eighty-eight pair, if I understood you right, there was a deficiency of half a yard?

A. There was in each pair.

Q. Did you measure any other linen?

A. Yes, all the Boatswains in the House had orders to measure the linen that belonged to the pensioners that were in their division.

Q. Did you measure them?

A. I measured the linen that was in the division that I belonged to; they run ninety-five yards short upon shirts and sheets, one hundred and sixty sheets, and one hundred and sixty shirts.

Q. What you mentioned before related to the Infirmary?

A. Yes.

Q. What you speak of now relates to your ward?

A. Yes.

Q. And in your ward how much did you find short in the sheets and shirts?

A. Ninety-five yards.

Q. What do you imagine was the allowance for shirts?

A. I was told three yards and an half.

Q. Did you measure the linen in any other wards?

A. No, none at all but the division I belonged to, and the Infirmary sheets.

[*Thomas Field withdrew.*]

Mr. GODBY called in, the Steward.

Q. Is there any allowance made in the Hospital for the measure of sheets and shirts?

A. Three yards and an half for a shirt, and five yards for a sheet.

Q. Were the sheets less than they used to be the last time they were cut, at the time that they mention?

A. I believe they are full as long now as ever they were, and are made in the same manner in every respect.

Q. But were they not half a yard less in each pair of sheets than before?

A. No.

Q. Are you positive and clear in that?

A. Yes; it cannot be; if any sheets are shorter than that standard, it is because the pieces of sheeting run a certain length, and we cut them so as not to leave any remnants; that is the establishment in the Hospital, and has been always the practice; at least for 40 years back to Mr. Bell's time; I have pursued the same method, and employed the same people, and I have no reason to believe that they have made away with any of it.

Q. You say there is the same quantity in the sheets now as formerly?

A. The same.

Q. How could it happen, that the sheets, when measured, appeared to be half a yard less?

A. I fancy it will not appear so, when your Lordships call upon the Clerk of the Cheque's clerk, who is a cheque upon my office; he receives these sheets, and is a cheque upon them.

Q. You are positive they are the same size as usual?

A. Yes, the same size as usual.

Q. Whether you speak absolutely from having measured the present sheets?

A. I have seen a great many of them measured, and I believe all the linen is accounted for very clearly; it appears so to me.

Q. I wish to have a direct answer; have you measured all these sheets yourself?

A. Not all; it is impossible I can measure 8 or 9000 pair of sheets; that cannot be supposed, I should imagine; I have seen a great many of them measured.

Q. Upon

Q. Upon what conviction then do you deliver this evidence to the house? You positively assert they are the same length the old ones used to be, without any kind of diminution?

A. I have seen some of them measured, and have measured several; I have taken here and there one of a quantity when they are made, and have measured them the same as they used to be in every respect.

Q. What quantity may you have measured yourself?

A. When there have been two or three hundred pair at a time delivered into my office, I have measured three or four, and have been satisfied. If I have found a deficiency in any respect, I have looked farther into it.

Q. What is the measure?

A. Of the sheets five yards.

Q. Did those you measured measure five yards?

A. They measured something under, because we cut them so as not to make any remnants.

Q. I ask you the positive measure of what you measured yourself?

A. Sometimes a nail of a yard short, sometimes two nails short.

Q. But none of them were positively five yards long?

A. Some of them were.

Q. Of what length were the sheets that you did measure yourself?

A. Sometimes a full length, sometimes wanting a nail of a yard, at other times two nails perhaps; but then, when I came to enquire into the matter, I found that it should be so; a piece of sheeting, if it runs 40 yards, would make five pair of sheets, but they run 38 and an half, and 39, and 39 and an half; they are generally about that length, and then we make just the same sheets as if they run 40; it is an advantage to the Hospital, and is the method that was always adopted by the former Stewards.

Q. Is it not somebody's province to measure all the sheets?

A. The people in my office measure a number of them, but not all of them, I dare say.

Q. Whether or not the measurement you have taken of these sheets was before or after the complaint was made by Captain Baillie?

A. I have measured them since the complaint, and I have measured them before.

Q. Is it your office properly to measure this linen?

A. It is with the Clerk of the Cheque, never without him.

Q. Is it your practice, as well as your office, constantly to measure them?

A. Yes, we always measure some; I hardly ever knew it otherwise, and I constantly attend.

Q. What is the reason, if it is your duty, that you don't measure them all?

A. It is impossible for me to measure them all, the nature of the business would not admit of it.

Q. Why is it impossible?

A. On account of the quantity of it; because if we were to do business in that way, there would be a need of ten Stewards and ten Clerks.

Q. Would there not be time enough for you and the Clerk of the Cheque to take your leisure, if you have not sufficient time immediately, to measure the whole number?

A. I apprehend it is a thing that could not be expected of any Steward.

Q. Is the whole number measured by any body?

A. I don't believe they are, indeed I am certain they are not.

Q. Have you always took the measure upon the faith of the contractor to be according to the contract?

A. No, I measure here and there a piece; if I find a deficiency of a yard or half a yard, I go farther, and measure more, and if there is a yard deficient

in any one of those pieces, I deduct a yard from every one of those pieces I receive.

Q. If from the number of sheets you have spoke to, you had found a deficiency of half a yard upon every pair of sheets, should not you have thought it worth your while to complain to some body of the Hospital, in order to rectify that abuse?

A. Certainly not, these sheets have been delivered out of my care a twelve-month.

Q. If in the measurement of the sheets you yourself had discovered a deficiency, whether you would not have thought the Hospital greatly defrauded by such a deficiency?

A. It could not happen in my office.

Q. But I ask you if you had discovered a deficiency?

A. If so, certainly.

Q. If again, in the measurement of 388 pair of sheets, you had discovered, as the witness discovered, a deficiency of 195 yards, which he has sworn to upon his measurement, would not you have thought that a fraud too?

A. Not if it was accounted for some other way.

Q. I ask you, if upon your measurement you had found the deficiency?

A. No doubt of it; if there was a deficiency of 190 odd yards, there must be a fraud somewhere.

Q. Do you know of any complaints being made to the Council of a deficiency in the linen?

A. None.

Q. You said the sheets were delivered out a year before they were measured; will not washing contract linen?

A. We must make allowances certainly for cutting out, we must make allowances for hemming, and for the shrinking in the washing.

Q. Whether upon the delivery of the sheets, you do or do not apprehend it to be the duty of the Steward, before they have been washed, to measure the sheets, or at least to measure such a quantity as you think they may be able to do?

A. If I understand the question right, it is, whether I measured the sheets before or after the washing; I have nothing to do with them after they are washed, and therefore could not have measured them after they were washed, except what were returned to my office.

Q. Whether you understand that linen shrinks or stretches by washing?

A. I understand it shrinks by washing; I have tried the experiment within these six months.

Q. What has been the result of the experiment?

A. I saw five yards of sheeting cut off, the clerk took it home, and had it made in his own family, and washed, and then brought it to my office again; upon measuring it, we found it had shrunk near two nails of a yard in one sheet; now that would come out something more upon wearing, I should think half a nail, but never near the full length.

Q. I would ask you not what you conjecture, but whether you made any experiments of measuring the sheets, and measuring the same sheet, after it had been washed and wore for a twelvemonth?

A. No, I have not.

Q. You mentioned, that when a piece of linen ran somewhat short, that they cut the pair of sheets that were last made, so much shorter, in order not to cut a new piece?

A. We deduct something from every sheet, or else the last sheet would be so short, it would not be fit for use.

Q. How far is your rule to go by, when you find a piece short of its measure? You say forty yards ought to make five pair of sheets?

A. Yes.

Q. Suppose a piece of linen is thirty-nine yards?

A. Then we make an allowance accordingly, we divide it equally.

Q. Suppose it is thirty-eight yards?

A. We

A. We divide it accordingly; but if it is only thirty-seven or thirty-seven and an half, so that we think the piece would be too short for use, that there would be a complaint, we make only seven sheets and leave a remnant.

Q. What is the precise rule you go by to term the piece too short, whether it is thirty-seven yards, or thirty-seven yards and an half?

A. It is left to the judgment of the persons that cut them.

Q. Who are those persons?

A. Two of the Clerks wives have cut them for late years before my appointment, and before my predecessor's, I believe.

Q. Who are those people?

A. My first Clerk's wife, and the Clerk of the Cheque's wife, I believe cut them all.

Q. It is entirely left to their discretion, whether they choose to cut any quantity that may be in a piece into five sheets?

A. My Clerk often applies to me to know my opinion; if he has any doubt about matter of that kind, he has applied to me to know what I would have done in that case, and I have given him directions accordingly.

Q. I understood you to mention two women?

A. Yes, but under his inspection.

Q. Whose?

A. My Clerk's, and under my own when he applies to me.

Q. Is it left to the women or Clerk's, or your discretion, or who is it left to, to be determined, what quantity shall be put into eight sheets?

A. When we deliver the linen out, I take it down in a writing, upon paper, so many yards delivered, to be made into sheets; the Clerk of the Cheque, or his Clerk, is present, and cheques that account; when they are delivered in, we see that it answers to that account, as near as possibly may be; we must make some little allowance; if there appears an inch in a sheet short, we suppose it may be from cutting, or some such thing.

Q. You say, forty yards is to make eight sheets; is there not any rule by which the number of yards is ascertained, that is to make four pair of sheets; suppose the piece is thirty-six, thirty-seven, thirty-eight, thirty-nine or forty yards, have you any rule when to stop, and not to make four pair of sheets out of the piece?

A. They know my instructions and directions in general, which are to make five yards in a sheet, but if the piece runs, so as by deducting a little from each sheet, they will make the full number, then it is left to them; but upon delivering them into my office, if I think they are made too short, I send for those people, and give them my directions to cut them longer in future.

Q. Is the Committee to understand, that your directions go to these people, in case there is a little less, that you leave that little to their discretion, and then they are to bring them to you, and you are to judge whether they have used that discretion properly or not?

A. Certainly so.

Q. Then are you answerable whether they use that discretion properly?

A. Yes, I and the Clerk of the Cheque.

Q. Then whether you ever heard of those three hundred and eighty-eight pair of sheets being deficient half a yard in each pair of sheets?

A. I have read it in Mr. Baillie's charge before the Committee, I believe, but never before; I am not sure though whether it was not made to the Board of Directors upon my representing the matter; how it was to the Committee, that he afterwards brought a fresh charge before the Board of Directors, which was, to the best of my recollection, heard before the Board, and I believe there is a Minute upon it, but I cannot recollect when it was.

Q. Did you take any pains after this measurement had been made, and you heard of it, to examine these sheets, and have them measured again?

A. No, I did not.

Q. Did you have any of the shirts measured to see how they were?

A. Yes, when they were returned into my office.

Q. What do you mean by when they were returned into your office?

A. Of late there has been a number of pensioners serving in his Majesty's yard, and they have wore out their linen much more than if they had not been employed, and at the end of a serving, we have had three or four hundred shirts returned, which have been washed and delivered out according to my discretion; I have delivered out four or five hundred within this twelvemonth of that kind, and when I have taken in the old ones, I have had them measured, to see if there was that deficiency as complained of, and talked about the Hospital.

Q. Had you any measurement made of those sheets of which the witness that has been last at the bar has given an account in his ward?

A. No, I had not; I have nothing to do with them in his ward.

Q. Have you measured any of the sheets in the Infirmary?

A. No.

Q. You said that there were five hundred, I think, returned into your office; I want you to explain whether you measured those shirts?

A. I measured some of those upon being returned into my office.

Q. How did they turn out?

A. They did not turn out as represented; I remarked it to my clerks and people in the office, that those shirts were what I thought a good length, and what one might expect, allowing for making, and proper allowances that ought to be made in my opinion.

Q. You say they did not turn out as represented, by whom represented?

A. By the Lieutenant-Governor Baillie; so far as I thought, they were a good and proper length.

Q. Did you measure those complained of in the Infirmary?

A. I did not; I did not know in what part of the Hospital he had been to measure.

Q. Whether the Contractors are not required to deliver in their pieces as near to forty yards as possible?

A. They are Russia sheeting, and they generally run, I apprehend, about that length; it is not, as they are Russia goods, in our power to alter them; we buy them at so much a yard, and therefore, when we take in the pieces, if they are thirty-seven yards, they are marked on the outside, and I measure here and there a piece, to see whether they run the length they are marked.

Q. And would it be impossible to have all the pieces of that length, if they were required to send them in of that length?

A. I cannot speak to that question; but I apprehend, as they are made in Russia, that it would not be an easy matter to do.

Q. Whether they are not paid according to the number of the yards they contain?

A. According to the number of yards they contain.

Q. Then the Hospital only pays for thirty-seven yards, if the piece contains no more?

A. No.

Q. By what authority or order is this measurement settled?

Q. By a former Steward; it is a method he proposed.

Q. What do you imagine to be the reason of there being any standard at all?

A. He thought it proper, or else we could not settle our accounts; we settle our accounts by that standard.

Q. Don't

Q. Don't you imagine that standard might be settled, because it was a reasonable size to make sheets of?

A. Certainly.

Q. Do you think that ought to be departed from?

A. I find Mr. Bell, the Steward who settled that account, has varied from it himself; for I have a sheet in my possession, which has been in the possession of one of the Matrons a number of years, and I find it not longer than those in general made in my time.

Q. When you find these pieces don't answer, where would be the great inconvenience of having one sheet pieced? Or would not that be more likely to keep the rest according to their standard, rather than to have so many cut short of the standard?

A. There is no inconvenience, at least I never heard of a complaint of deducting that small quantity, and it is an advantage to the Hospital, and there would be a loss, if we were to make them exactly of a length; there would be a loss of 15 or 20l. in the cloathing, to the Hospital.

Q. Do you imagine that it is a benefit to the Hospital, that the standard should be diminished, to the inconvenience of the pensioners?

A. It is neither an inconvenience nor a prejudice to the pensioners, I am clear of that, and it is a benefit to the Hospital.

Q. Then do you imagine that the standard is too great?

A. No.

Q. Then account for why you think it no inconvenience to the pensioners to have the sheets shorter than the standard; and yet you think the standard not longer than it ought to be?

A. If it was less, and a piece was to run over forty yards, we should have an overplus; and we could not then account for our cloth at all.

Q. You have, I think, said, that as far as the Ward extends, where Captain Baillie complains of the grievance, you never have taken any measurement at all?

A. In that Ward, I never did as I know.

Q. Have you heard, that it was usual to deliver a pattern made up of sheets or of shirts, answering the description that was laid down; and whether it was or was not a very common thing to deviate from that pattern shirt or sheet?

A. There is no pattern of a shirt or a sheet, but the standard.

Q. They are all made in the house?

A. Yes; they are made from my Office.

Q. You say it would be impossible to go through the measurement of the whole, without having a great many people under you; or do you not think it necessary to take indiscriminately the different Wards, and to try such a number in each different Ward, to see whether they answered?

A. If you understand by their being made in the house, that they are made within the walls of the Hospital, they are not; there are none, as I know, made within the walls.

Q. Whether you, or any of the people under you, have any perquisite upon cutting out this linen?

A. I have none.

Q. Nor the people under you?

A. Nor the Clerks; except their wives that make them are paid so much a shirt, and so much a sheet.

Q. Are there any remnants allowed to them?

A. No; no such thing is admitted in any respect.

Q. The manufacturers of linen in general, I believe, allow an over-measure to what they set down; now does a piece, nominally of forty yards, measure no more than forty yards?

A. In this case it does not; because we don't contract by the piece, but by the yard.

Q. But the person that contracts for this linen, contracts by the piece?

A. No, by the yard, at so much a yard; if a piece contains thirty-seven or thirty-eight yards, we pay for no more than thirty-seven or thirty-eight yards.

Q. But a piece that is set down to you as forty yards, should measure forty-one or forty-two yards?

A. In this case they charge to a quarter of a yard; they charge thirty-seven and a quarter, or thirty-seven and three-quarters.

Q. They always allow a piece; a thumb as they call it?

A. There is no allowance made; the contract is for so much a yard; if we contracted by the piece, then, in most pieces of linen, there is an allowance of three-quarters of a yard, or a yard over; but as we contract by the yard, they measure to half a yard, or to a quarter of a yard.

Q. The Contractor buys it of the linen-draper by the piece; then, of course, he should serve his contract with the pieces as he pays for them; and if he pays for but forty yards when he has forty-one, he should charge but forty.

A. It has always been customary to charge to half a yard, or a quarter of a yard.

Q. Whether you recollect your having said, that they contracted by the piece; that sometimes the piece ran thirty-seven and sometimes forty yards? My reason for asking this question is, to fix it that the contract is made by the piece.

A. No, it is not; and your Lordship misunderstood me.

[Mr. Godby withdrew.]

Mr. MAULE called in.

Q. Whether the sheets are of the right length at present?

A. I believe so.

Q. What reason have you to think that they are?

A. I have known the Hospital a great many years, and, till very lately, I never heard of a complaint at all of the kind.

Q. What reason have you to think that they are not shorter than they were formerly?

A. I don't know that they are shorter than they were formerly.

Q. Did you never hear a complaint of the kind?

A. Not till very lately; and though there is an established quantity for each sheet, it has not been the custom to make them so, if the pieces of cloth did not run in proportion to the number that each piece should make; and I believe that has always been the custom, since the Hospital was first established.

Q. Are the pieces of linen not always of the same length?

A. They run from thirty-seven to thirty-seven and a half, thirty-eight and so on to thirty-nine and half; very seldom to forty.

Q. You seldom find any pieces of the full length?

A. Very seldom.

Q. Do you speak from your certain knowledge, that the sheets are not now shorter than they were before?

A. I don't say that they are at present.

Q. You say they are not shorter now; whether they were not shorter before the complaint was made by Captain Baillie?

A. I believe they are now, as they have been made for many years past.

Q. Do you speak from your certain knowledge that the sheets are now no shorter than they were before?

A. I never heard till very lately, as I said before, that the sheets were shorter now than they were formerly.

Q. Answer that question directly; do you know of your own knowledge, that the sheets are now of the same length as they were before?

A. All that have come within my knowledge.

Q. How many have come within your knowledge?

A. A great many.

Q. How many?

A. I suppose one hundred pair or more.

Q. Out of how many?

A. Some thousands.

Q. How many thousands?

A. Very likely three or four thousand.

S

Q. How

Q. How many hundred pair, out of these three or four thousand, have you measured?

A. I suppose an hundred pair I have seen measured.

Q. And were those equal to the standard?

A. I have already told your Lordships, that I never knew that they were to the standard.

Q. What rule have you to go by to say, that in former times the sheets were shorter than the standard? By how much were they shorter?

A. I cannot speak particularly to that; but I do, from my own knowledge, know that the sheets were formerly made as they are now, and in the same manner, and by the same people.

Q. You say they were shorter, but don't know by how much; I desire you will say then, how you can possibly know that the present sheets are not shorter than those were?

A. I said, at the same time, that though it was a nominal thing that the sheets were to consist of five yards, yet I believe they never were of that quantity.

Q. By how much were they shorter?

A. I cannot particularly say.

Q. If you don't know by how much they were shorter, how can you possibly say, that you don't know that they are now shorter than they were then?

A. I never heard a complaint.

Q. That is not the question; you say, that from your knowledge, the hundred sheets you measured were the same length as those before; now you say, you don't know the exact length of those before; how then can you know that these are of the same measure?

A. I have measured them frequently formerly, when I was a Clerk in the Clerk of the Cheque's Office; and I have seen them measured since I have been in the present Office, and since I have been Clerk of the Cheque myself I have often seen them measured, and I don't know that there is any difference between those made formerly and those made now.

Q. When you measured the sheets formerly, of what length were they?

A. I believe short a quarter of a yard*; I have seen them so very often.

Q. You said you measured them; you are to speak to a fact, not upon belief; have you taken any account of how much, upon an average, a certain quantity of sheets measured?

A. I have not; but it occurs to my memory that they have been a quarter of a yard in a sheet short formerly.

Q. Have you measured any number of sheets lately?

A. I have seen a great many measured lately.

Q. Have you made any computation, and cast it into an average, to see how much they were short?

A. No; but I apprehend they were not more than that short; none that I have measured have been more than that short.

Q. Are the Committee to understand you, that when you say they are not shorter, it is from a general supposition, and not from any calculation or measurement?

A. I have seen a great many measured lately, and seldom any of them have exceeded that of being a quarter of a yard short.

Q. Have you made any computation upon any number, to say that such a number produce so much, and upon an average they were so much shorter?

A. No, I have not.

Q. Are the Committee to understand you that you speak from conjecture, and not from measurement?

A. I have seen a great many measured.

Q. Can you speak to any certain number that you have seen measured, that do all of them come within a quarter of a yard exactly, or nearly?

Q. No; I have only seen here or there some measured when a quantity have been delivered in.

Q. Then do you speak from your judgment of the measurement of one, or two, or three pair of sheets, but not from the measurement of any large number from whence you have made an average?

A. No; I have never measured any large number.

Q. *Lord Chesterfield*. Whether the sheets are long enough for the beds?

A. I think they are.

Q. Do you know whether they are or not?

A. I say, I think they are.

Q. In that Ward particularly that Captain Baillie complained of?

A. No; I speak of the whole House in general.

Q. You say the sheets are nominally five yards; have you no pattern sheet to go by; what is the standard measure you go by?

A. I don't know that there is any pattern sheet.

Q. Is there no standard to go by?

A. No; it has been looked upon to be five yards; it is a mere nominal thing that they should consist of five yards.

Q. Do you understand a standard rule is to be a mere nominal thing, and never to be adhered to?

A. I speak, that it has been customary in the cutting up the cloth.

Q. The standard is two yards and an half long?

A. Yes.

Q. What length are the sheets now cutting up?

A. I really don't know.

Q. Do you keep up to your standard of two yards and a half? Have you measured them?

A. I have not.

Q. Have you measured none of them?

A. Not very lately.

Q. How lately since you measured any?

A. It is a twelve-month ago, I believe, since I measured any.

Q. And are there none at this time making?

A. Yes, there are.

Q. How came you not to measure them? Is it not in your Office?

A. I have not been long in the Office that I now enjoy; the first Clerk in the Office that I preside at has been thirty years in that employ, and I looked upon him to be a better judge than I am, with regard to all them matters.

Q. Therefore you leave it to your Clerk to do all that business?

A. Only some particular parts of it.

Q. What length were those sheets when a complaint was made about them? Did you measure them then?

A. The sheets were not in the custody of any body, but were delivered out; they were in the Infirmary, and as I understand, the late Lieutenant-Governor sent to the Infirmary in an odd manner, and got those sheets and measured them; it was not known to any of the Officers of the Hospital that those sheets were measured at all.

Q. What was the measure of them then?

A. I don't know.

Q. How much less than the standard?

A. I don't know that.

Q. You was not then Clerk of the Cheque, I suppose?

A. I have been a long time at sea.

Q. How long have you been Clerk of the Cheque?

A. Since May, 1776.

Q. That was before this complaint, I understand?

A. Yes.

Q. As it was in your Office, you certainly measured them a year ago?

A. I saw a great number of them measured at the Steward's Office; they were measured there.

Q. What did they measure a year ago? Did they come up to the standard of two yards and an half in length?

A. I have said before, I have found them to be a quarter of a yard short of what is commonly esteemed the standard.

* As there are four breadths in a pair of sheets, this makes a deficiency of five thousand yards in so many pair, which are in the Hospital.

Q. My question to you was this, what did they measure a year ago? You said you measured them a year ago. Did they come up to the standard of two yards and an half long, and five yards to the sheet, at that time.

A. No; I have told your Lordships before, that several I measured a year ago were a quarter of a yard short, and I believe that was owing to the shrinking of the linen.

Q. I understood that you were to measure those sheets before they were made up; we have just been told that was the time of measuring them, and not afterwards; when did you measure them?

A. After they were returned made.

Q. And washed?

A. No.

Q. Then how could they shrink so much?

A. It was after they were brought home made, and not washed.

Q. And then they were a quarter of a yard short?

A. I observed several of them a quarter of a yard short, as I mentioned to your Lordships before.

Q. And did not you try to redress this because it came into your Office?

A. No; it has been the practice of the Hospital, as far as I can remember, and ever heard, with regard to the quantity of linen that each piece contained; that the sheets were calculated so as to cause the shortness now complained of.

Q. Whether you have any reason to believe that the measurement that Mr. Field made, was not a fair measurement?

A. I believe a fair one.

[Mr. Maule withdrew.

Captain BAILLIE called in again.

Q. Whether you made any complaint at any time of the situation of the Taylors shop being such, as to be likely to occasion fire in Greenwich Hospital?

A. About last January was twelve months, there was a proposal from a Taylor to take the Hospital Contract, upon some information he had received that the Contractor was in a bad state of health, and wished to decline; there was a circular letter sent, I believe, to all the Directors of the Hospital upon that occasion; amongst the rest I had one, and some time after that a public letter appeared at the Board from a contracting Taylor, making a tender to the Board in consequence of the information he had received of the ill state of health of the former Contractor; the matter was then only talked of at the Board of Directors, for the former Contractor had no intention it seemed to resign. I gave my opinion to the Board of Directors, that there was danger of fire from the Taylors shop in the Hospital, where I thought there was a scene of drunkenness and dissipation; the Taylors were permitted to sell drams, and they kept a kind of sutling-house in the Hospital; I pointed out the danger of fire, and when the Committee sat in the Hospital to enquire into the grounds of the several charges, they paid not the least attention to that matter, no more than they did to many others.

Q. Whether you gave information to any set of men, that there was danger of fire from the practice of the Taylors in the Hospital?

A. I mentioned it when the Contractor made proposals; I objected then; I said I thought it an improper place for the Taylors to work in; that there was danger from fire, saying, it would be a more eligible mode to buy the cloaths ready made, and to serve them out as Purfers do in his Majesty's ships.

Q. Did you object to the Taylors working in the place they did work in?

A. I did.

Q. You represented that there was danger of fire from the Taylors working where they did by candle light?

A. I did, to the Board of Directors, and pointed it out afterwards in my complaint.

Q. Do you know any thing of the fire that lately happened in Greenwich Hospital?

A. I knew nothing of it till in the morning I was going to London; at eight o'clock I heard there was a fire in Greenwich Hospital.

Q. Is there any person here that can give an account where that fire began?

A. I should think it the duty of the Captain and Lieutenant of the Week to know something about it.

Q. Who were the Captain and Lieutenant of the Week?

A. I was out of Office then; I have heard that Lieutenant Kerr was Lieutenant of the Week.

Q. Why do you think that place particularly improper for the Taylors to have worked in?

A. Because it is a great way from the Officers to visit that Ward, and it incumbered the Hospital very much, and took up the place of a great number of pensioners; I thought it would be better applied in having cabins for pensioners; that Ward is not under the care of the Officers; the Steward has the direction and management of the Taylors shop, and it is scarcely ever visited by the Officers of the Hospital; your Lordships will find it was immediately over the Chapel.

Q. Was your objection to the danger of fire, because the Taylors were not under the inspection of the Officers?

A. That Ward was always locked up at night; if the Officers or Guard go their rounds there, they can't get in; it is locked up, and the key is under the care of the Steward and Taylor, and these people.

Q. I understood you objected to it, because the Taylors sold drams, and kept a kind of sutling-house?

A. I did not object to it particularly upon that account, because till after the fire I did not know that circumstance; it came out then.

Q. What was the reason of your objecting to it at that time?

A. It was when the contracting Taylor made an offer.

Q. Why did you think it likely that fire should take place there?

A. Because it was never visited at nights by the Guard of the Hospital; the Patrole never visited it; they never could get into that Ward.

Q. Do you apprehend the fire began in the Taylors room?

A. I have every reason to believe so, from what has transpired in the Hospital.

Q. Have you seen any of the examinations that were taken before Sir John Fielding?

A. I never saw any of the examinations; but I have great reason to believe that neither the Captain nor Lieutenant of the Week were called upon on that occasion; it seemed to me to be rather a partial enquiry.

Q. It was upon oath, therefore what reason could you have for thinking so?

A. I did not hear that any body was examined upon oath; I was out of Office, and I was not called upon; the Captain and Lieutenant of the Week were the proper Officers; the House will hear whether all the Commissioned Officers were examined or not.

Q. Is that the only reason you have for thinking it a partial enquiry, that you have not heard they were examined upon oath?

A. I did not hear that the Commissioned Officers, whose duty it was to know something about it, were all examined.

Q. Was that the only reason for your thinking it a partial enquiry?

A. I don't know of any other reason.

[Captain Baillie withdrew.
Lieutenant

Lieutenant KERR called in.

Q. Inform the Committee of what you know respecting the fire that happened in Greenwich Hospital. Do you know where it began?

A. Upon my word I am incapable to tell where it began. In the morning, about a quarter before five, when I happened to be in bed with my wife, and the Royal Charlotte ward is directly over me, which has a passage down from where the fire began, or near to it, I heard people running backward and forward; I thought it had been the boys running, as usual, at six in the morning to go to school; soon after I heard that the Taylors shop was on fire; I jumped out of bed, put on my cloaths, and went up to the place, where I found a great deal of smoke in the Duke of York's ward; they told me there, that the Taylors shop was on fire; I went up close to it, and found a prodigious deal of smoke; I was asked by one of them if I had an hatchet; I ran down and brought up a broad axe to break the door; I gave it to a man, and then ran to get open the two great reservoirs of water, and I ordered the water to be thrown on the floor, hoping it was an accidental local fire in the ward; in about ten minutes after I found they had broke open a place on the left side of the steps going up to the Taylors shop; I looked down, and saw a small fire, not blazing up, but as if it had been continued for some time. They broke open the door. The boy and the man gave their evidence to Sir John Fielding—how they gave their evidence, God only knows—they said—

Q. The Committee don't want to know what they said. What did you see?

A. What I saw was only that there was a fire at the left side of the steps a going up; when it broke through, we could not get at the water; I gave the Clerk of the Cheque's Clerk the axe to cut open the doors to get at the reservoirs of water; I went to the King's, the uppermost ward; then I went down to the Townsend; and then to the Prince of Wales's ward: Captain Allwright went with me to see if there was any fire in the nurses ward, or in the apartments that were under these apartments; there was none; I put my cheek to the side of the place, and said, here is the fire, I feel the heat strike to me: I ran up again to the wards above me and found the fire. To the best of my knowledge, and the judgment I can give of the affair, it was in the Taylors shop that the fire began.

Q. Was you the Officer of the Week?

A. Yes.

Q. To what extent did this fire go?

A. To a very unfortunate extent indeed; beyond the expectation of mankind; beyond what any man acquainted with Greenwich Hospital ever could conceive.

Q. How many pensioners were burnt out?

A. I believe not above three hundred, or about three hundred and twenty or three hundred and thirty; I can't ascertain the exact number; but I don't believe more than that.

Q. Have you any guess of the extent of the damage, to what amount it will require to repair it?

A. I am no judge of any such thing.

Q. Was there a great deal of furniture lost?

A. I don't know what furniture might be lost by the indiscretion of the people who were sent from the different yards; more damage was done than what the fire did; if they would have taken advice, there would not have been so much damage done; many wards were damaged that were not damaged by the fire.

Q. Whether you did ever apprehend, or declare your apprehensions of a fear of fire in that particular part where the fire happened, before it did happen?

A. There was a man brought to the Council; I being Lieutenant of the Week, our nurses complain-

ed to me that a man had a candle in his cabin; when I came to enquire into it, I found the man was guilty of the fault; he had no right, at any time, to have a candle in his cabin; the nurse took the candle out, and he struck her; the man made frivolous excuses to me; I insisted upon it that it should be brought to Council; I sent down to Captain Chads, who was the Captain of the Week, and bid him put it upon the list of the complaints; I said I would never forgive a candle's being in a cabin at an unusual time; the man came, and asked me to forgive it; I said if I did, I hoped God would never forgive me; it was brought to Council, and he was punished; I wished him to have had three months, or two months at least, but he had only a month's punishment; I begged the Council would give orders to the Boatswains to prevent the irregularity of the pensioners having lights in their cabins; for if any accident happened, I was afraid it would be from the Duke of York's ward, for they were irregular, drunken, turbulent, troublesome people; and this was all I did say; but with no further intention, wishing the Council would concur with what I had said.

Q. If I understood you right, you said that before the fire happened, you was apprehensive that that was a likely part for a fire to happen in; and you had made a complaint—I wish to follow that question a little farther—Who were the persons you made the complaint to?

A. It was in Council I made the complaint.

Q. Who composed that Council?

A. It was the Common-Council of the Hospital; I believe the Lieutenant-Governor and Captain Lynn were there, and several Captains; I cannot ascertain immediately that; but all my meaning was no more than wishing the concurrence of the Council to support me in my duty as a Lieutenant, having a large and extensive division under my care, that they would give an order, which would be more circumstantial than mine, as an individual Officer; I neither meant, nor thought, nor wished no other.

Q. Whether you was apprehensive that a fire might happen in that place, and made your complaint to the Council? You named the Lieutenant-Governor as one of that Council—Was the apprehension of the fear of fire in that place suggested by you to the Lieutenant-Governor or by the Lieutenant-Governor to you?

A. I meant it in general, that I would wish to be supported, as I had given orders that there should be no lights; I meant no other, than that my orders should be enforced.

Q. Was you ever examined by Sir John Fielding?

A. I was.

Q. You said that there were about three hundred pensioners burnt out; how long was it before there were lodgings for them again?

A. I believe if the men would have come in, if they had not availed themselves of wishing to lie out, they might have been accommodated the very night the fire was; I believe I could have accommodated them myself, if I had been left to do it; and I believe every Officer in the Hospital, to the utmost of their power, took every method to accommodate them.

Q. You was examined, you say, before Sir John Fielding?

A. Yes.

Q. Did it appear, upon that examination, that the fire broke out first in the room where the Taylors were?

A. I can only answer for what I said myself; I was not present; I believe it was very evident to every body, to the best of my knowledge, that it broke out there, and there only.

Q. Who was the Lieutenant-Governor at the time you mentioned to the Council your apprehensions of fire?

A. Lieutenant-Governor Maplesden.

[*Lieutenant Kerr withdrew.*
Lieutenant

Lieutenant SMITH called in.

Q. Was you at Greenwich Hospital at the time the fire began?

A. I was not—I was in town.

Q. How soon was you at the Hospital?

A. I believe about noon; the damage was mostly over by the time I came.

Q. Have you any reason to know where the fire began?

A. As to forming any notion where it began, I certainly could not; though I did say (I don't know whether I have any foundation for it or not) that I imagined it broke out at the vestry.

[Lieutenant Smith withdrew.]

Tuesday, April 20th, at half past three o'clock.

Captain BAILLIE called in.

Q. Whether you know any thing of the method in which the linen is cut out in Greenwich Hospital?

A. Do you speak of sheets or shirts?

Q. The sheeting.

A. A piece of sheeting is generally cut into sixteen lengths, to make eight sheets; each length ought to consist of two yards and an half; a piece of Russia sheeting generally contains thirty-seven yards and an half; that being cut into sixteen lengths, does not run to the standard of the Hospital; instead of sixteen lengths it ought to be cut into fifteen only; by which means two pieces will make fifteen sheets; and by cutting four pieces in that manner, they will make exactly fifteen pair of sheets; instead of which the practice is, to cut four pieces into sixteen pair of sheets, by which means there is a pair of sheets more than there ought to be by the establishment.—It has likewise been the practice of the butcher's servant to reduce each man's pound of meat to fourteen ounces, for which he was transported.

Q. Whether the pieces of linen in general run thirty-seven yards and an half?

A. They are bought for thirty ells, that is exactly thirty-seven yards and an half; and if you search Cheapside, from one end to the other, I believe it will be found to be the length?

Q. With regard to the men's shirts, whether they have been delivered according to the standard?

A. I believe not—Three yards and an half is the standard for every shirt in Greenwich Hospital—Throughout the Hospital, I will venture to say, they run but about three yards and a quarter; for the large men they generally allow three yards and three quarters. There is a gentleman I have seen here to-day, who is a draper, he can tell the exact length of the pieces.

Q. What is his name?

A. His name is Price; I do not know his Christian name, for I never saw him before.

[Captain Baillie withdrew.]

The Duke of Richmond then moved, that the House be resumed; and a short debate ensued upon the propriety of Mr. Price giving evidence, as he had not been summoned.

Resolved, That Mr. Price might be admitted to give evidence.—Mr. Price was therefore called, and sworn at the bar.—The House being again resolved into a Committee.

Q. What is your name?

A. Edward Price.

Q. Where do you live?

A. I live in Blackmoor-street, Clare-market.

Q. Are you a linen-draper?

A. I am.

Q. Do you deal in Russia linen?

A. I do.

Q. What length are pieces of Russia sheeting, upon an average?

A. The fabric is thirty ells, or thirty-seven yards and an half * each piece, seldom more or less.

[Mr. Price withdrew.]

Captain BAILLIE called in again.

Q. Whether there were any proceedings against you, in Westminster-hall, for a libel?

A. There were six informations moved against me, in the Court of King's Bench, for the memorial I drew up of the state of Greenwich Hospital; it was in the name of the Directors and others of Greenwich Hospital.

Q. What were the names in which the informations were brought?

A. In the name of Mr. Hicks, the Sixpenny Receiver; Mr. Stuart, the Surveyor of the Hospital; and the Rev. Mr. Cooke; as Directors. After that, my Lords, they were consolidated into one or more informations; and there was the Secretary, Mr. Ibbetson; the Clerk of the Works, Mr. Mylne; Mr. Stuart, the Surveyor of the Hospital; and Mr. Godby, the Steward; in their separate capacities.

Q. Do you mean actions or informations?

A. Actions. They moved for rules, in the King's Bench, to shew cause why an information or informations should not be granted against me for a libel.

Q. Is your Solicitor here?

A. No.

Q. Do you mean motions for informations or actions?

A. Motions for informations; it is my want of knowledge of the technical terms of the law made me express myself so.

Q. Do you expect your Attorney here to-day?

A. He has attended constantly till to-day.

Q. Who carried on the business on the other side?

A. The Solicitor of Greenwich Hospital, Mr. Everest.

[Captain Baillie withdrew.]

Mr. EVEREST called in.

Q. I beg to know whether you carried on any prosecution against Mr. Baillie, in Westminster-hall?

A. Yes.

Q. Of what nature; and at whose suit?

A. I was employed by several individuals at the Hospital to prosecute Captain Baillie for a libel; they were, Mr. Hicks, Mr. Stuart, Mr. Ibbetson, Mr. Mylne, and Mr. Godby, on their separate and private accounts: it was some time before I received any farther orders; I think, at last, the Committee of Enquiry on Captain Baillie's book, called me in, and I received orders from the Directors to take the necessary steps, on their part, to prosecute Captain Baillie.

Q. When you was called in by this Committee, did they direct you to prosecute Captain Baillie in their name, as a Committee, or as a Court of Directors, or a General Court?

A. I understood I was to take the necessary steps on the part of the Directors; the necessary affidavits were prepared, and the rule made, to shew cause why informations should not be filed.

A. In the name of any person, individually, or by the Court of Directors?

A. I first received orders from individuals, and then at the Committee of Enquiry.

Q. When you did move to shew cause, did you do it in the name of any person, individually, or on the part of the Board of Directors?

A. One in the name of the Court of Directors; the others on the part of the individuals I have mentioned. The rule was, why an information or informations should not be filed; I believe an information only was intended to be supported.

* Mr. Godby, in the latter end of p. 64, in answer to the preceding question, swears the Russia cloth runs generally about 40 yards.

Q. At whose expence was that carried on?

A. The expence has not been paid; Captain Baillie's expences have been paid out of the pocket of Mr. Stuart, Mr. Hicks, Mr. Godby, and Mr. Cooke, &c.

Q. Your part of the business, at whose expence was that carried on?

A. I conceive that I am to be paid by the individuals that employed me.

Q. Was there any thing about who was to pay it?

A. I wrote to the Board of Directors, the 17th of October, I think it was. I was called upon, and asked if I looked to the Hospital for payment; I was told I was not to look to the Hospital for payment, but to the individuals that employed me.

[*Mr. Everest withdrew.*]

Mr. LEFEVRE called in.

Q. I beg he may be asked, whether he knows any thing of prosecutions carried on against Mr. Baillie, or any steps taken to engage persons to carry on those prosecutions?

A. I will begin, if your Lordships please, and relate the whole. About the 8th or 9th of January, I was in company with the Reverend Mr. Cooke, who read to me a part of a letter he said he had received from the Steward of the Hospital, the contents were, That the contracting butchers were cast for the several frauds they had been accused of at Guildhall; and after the trial was over, the said Steward, and the rest of his friends, which I suppose were the landmen, enjoyed themselves with a very good dinner, and a bottle of good wine, while the Lieutenant-Governor and his party sneaked off like a parcel of dirty dogs.

Here a short conversation took place, whether the witness should be permitted to proceed in his narrative, or answer to such questions as might be propounded. Agreed that he should confine himself to answers only—Witness called in.

Q. I desire Mr. Lefevre will answer what he knows relating to steps taken to induce persons to bring about these prosecutions against Captain Baillie?

A. As to what could induce them, it is impossible for me to say.

Q. If Mr. Lefevre will be so good as to answer what steps he is acquainted with which were taken to induce any gentlemen to prosecute Captain Baillie?

A. I should suppose they did it merely from dislike to Captain Baillie.

Q. Had you any conversations with Mr. Cooke relative to any prosecutions against Captain Baillie?

A. I was going to that; I was going to mention it as it was told me by the Reverend Mr. Cooke; I was going to relate from the beginning of Mr. Cooke's discourse to the end.

Q. The only thing wanted is, that you will relate that part that concerns an attempt to induce any body to prosecute Captain Baillie?

A. I recollect, after Captain Baillie's book came out, Mr. Cooke informed me, that Lord Sandwich had said, that any person that should be seen to keep company with Captain Baillie, should have a stop put to his preferment for ever.

[*Mr. Lefevre interrupted by several noble Lords, and ordered to withdraw.*]

While the witness, Mr. Lefevre, was giving his testimony, Lord Denbigh, who sat just within the bar, near the witness, said, in a low voice, two or three times to him, that he should confine himself to the question; if he did not, he must interrupt him. The witness not attending immediately to what his Lordship said, he rose to object to receiving any kind of evidence, but what contained an answer to the question put by the House.

The Duke of Richmond rose to complain of the very disorderly conduct of the noble Lord, who went down to the bar, and endeavoured to intimidate a witness delivering his testimony upon oath.

Lord Denbigh acknowledged, that he told the witness that he would interrupt him, if he deviated from the question.

The Duke of Richmond replied, that it was highly improper and indecent, to offer to direct a witness, and intimidate him, by holding a private conversation with him; that no noble Lord had a right to put a question, as an individual, to any person under examination at the Bar; and, if the noble Lord did not desist, and immediately retract, he would, for the honour of the house, and the order and decency of their Lordships proceedings, frame a question, and take the sense of the house upon it.

After a warm altercation between the two noble Lords, and several direct contradictions, in which the Duke of Richmond affirmed positively, that the noble Lord had endeavoured to intimidate the witness; and, from what he said in his defence, had confessed the disorderly conduct imputed to him.

The Lord Chancellor rose, and said it was very true, that every question should come through the medium of the Chair; that that form was, however, frequently dispensed with, for the greater dispatch of business; but if the noble Duke insisted upon adhering to strict order, he was certainly right.

Lord Denbigh said, that was what he meant to do; that it was permitted every day; and that so far from intimidating, he only wished to prevent trouble.

The Duke of Richmond replied, the question stated by the noble and learned Lord, and the noble Earl who spoke last, was very different to the species of disorder he complained of.—When a noble Lord propounds a question, in the manner described, he did it openly, and with an audible voice, so that every Lord present might hear it. It was never therefore imagined, that because the question was directly answered from the Bar, that, dispensing with the right orders of the House, in not insisting to have the question again repeated from the Chair, or the Woolfack, left any noble Lord at liberty to go down to the Bar, to hold a private conversation with a witness, in order to intimidate him.

Lord Chesterfield said, that the present being an enquiry into the conduct of the noble Lord, whose name was mentioned having made use of such an expression, that hearsay was no evidence, and that consequently it was inadmissible, and the witness ought to be restrained from mentioning Lord Sandwich's name.

Here a very warm debate commenced on two grounds. First, whether the present enquiry could be properly considered, as an enquiry into the conduct of Lord Sandwich; and if it could, whether hearsay evidence of what the witness heard Cooke say, that Lord Sandwich told him, was admissible evidence in a Court of justice.

The first of those questions was debated for upwards of an hour. The affirmative was contended for by the Lord Chancellor, and the Lords Mansfield, Bathurst, Chesterfield, and Dudley; the negative by the Duke of Richmond and Lord Camden, mixed with their question of fact, and the general supposed understanding of the House, the question of the law forced itself into discussion. At length Lord Mansfield framed a question, in order, he said, to take the sense of the House to the following effect:

"That it be resolved, that the name of John Earl Sandwich be not mentioned by the witness at the Bar, in his evidence of a conversation with any other person, of what the said person informed him that the said Earl had said." To which the Duke of Richmond moved an amendment, by adding the words, "In order to intimidate said witness."

As

As soon as this motion was handed to the table, a new and most important debate re-commenced.

Lord Mansfield contended, that it was repugnant to every principle of law, to admit evidence upon hearsay, which, in its consequences, might affect a third person; that certainly, though he did not consider the present enquiry to be specifically directed against Lord Sandwich, yet only considering him as one person charged among many others, it was well known that in proceedings upon indictments, where several persons were included in it, no evidence of a criminal act of any one of the parties was ever received as evidence against another. Lord Sandwich and Mr. Cooke stood in exactly the same predicament of persons so indicted, consequently nothing that Cooke said ought to be admitted as evidence against Lord Sandwich.

Lord Camden acknowledged the principle laid down by the learned Lord; but taking up the matter upon the noble Lord's own ground, allowing that Lord Sandwich and Mr. Cooke were before the House in the character of criminals, the learned Lord must acknowledge that they were not trying for the same offence, nor were their cases at all alike. Mr. Cooke might be convicted of the charge now made, would that affect Lord Sandwich? God forbid! What Cooke said, was no evidence against Lord Sandwich, or any person on earth but himself. Suppose Lord Sandwich never made use of any such expression, which he hoped and believed might turn out to be the truth, would it not be cruel to condemn the noble Lord, not for what he said, but merely because another person had slandered him; the very slander was an act of a criminal nature against the honour and character of the noble Lord, and was little connected in one point of view with the present enquiry. In another, so far to be sure as those discourses tended to intimidate and prevent reformation and justice, they might furnish just grounds of future proceeding against Cooke. But he would meet the noble Lord fairly upon the point of law and analogy to the proceedings on indictments, which he seemed so much to rely upon. Lord Sandwich might appear to have been guilty of certain acts of mismanagement, as First Commissioner of the Admiralty, in the exercise of directing the affairs of the Hospital, or of none. So might Mr. Cooke, as improperly interfering, and by abusing his function, or he might not. One of them might be proved innocent, and not the other, consequently the case stated by the learned Lord did not apply. But he would put a case to the learned Lord, which must apply. Supposing that several persons had been included in the same indictment, for several specific offences, might not evidence be competently given and received of a specific criminal act, committed by one of the parties, though it amounted to hearsay only respecting another charged with a different species of offence? Most certainly; the learned Lord knew it would not serve to convict that other person of another offence, because hearsay was no evidence, and could only be admissible against the party on whom the offence was charged.

The Lord Chancellor made two or three very long speeches in the above debate, in which he chiefly laboured to establish the two following propositions:

That the enquiry amounted to a specific charge against Lord Sandwich; and if taken as a general charge against all those concerned in the management of Greenwich Hospital, every particular part of it applied generally against every person concerned; consequently, whether the enquiry was general or individually directed, the evidence was indivisible; that is, every part of the testimony given at the Bar, was evidence of misconduct of Lord Sandwich; or if it was not, it affected him as one of the parties accused.

[His Lordship's pardon is asked, if his meaning be here mis-stated or mis-conceived; for there is every rational ground to suppose such doctrine diametri-

cally opposite to the whole code of English jurisprudence, and consequently foreign from the noble Lord's sentiments.]

To prove his first proposition, he quoted Captain Baillie's book on the table, which charged Lord Sandwich, in direct terms, with corruption. To prove the second, he presumed that the permitting those mismanagements to continue, amounted to a failure of duty, in not putting a stop to them; and of course, if proved, would ultimately reach the noble Lord.

Lord Sandwich said, he had been charged with corruption; that he looked upon the enquiry as totally personal against him; that he wished the witness might be permitted to proceed, because he was conscious of the injustice and falsity of the charge; but he should be sorry that any convenience or desire of his should be preferred to the order and established mode of proceeding in that House.

Lord Camden again rose, and in a most able, correct, and learned speech, answered every thing material which had been urged on the other side. He said, the present motion, if carried, would amount to a real dissolution of the Committee, even upon the arguments of the noble Lords who framed and supported it. The present, say the noble Lords, is an enquiry into the conduct of the Earl of Sandwich, charging him with manifest corruption in the exercise of a public trust of very great consequence. What will be the manifest effect of this motion? that you may sit here till the dog-days, to hear the examination of witnesses, to hear complaints and charges made against any person, or every person, but the conduct of the noble Lord into which you are convened to enquire. I only repeat this, to shew the manifest absurdities people are drove to adopt, when they want to effect purposes upon principles which directly make against them: for I am perfectly satisfied that the present enquiry contains no single specific charge against any man, so as to produce conviction or condemnation. The event of it, I acknowledge, may afford matter proper to found a criminal proceeding upon; but in the first instance, I affirm as a member of this House, and a lawyer, that it cannot produce any issue, which may immediately affect either the noble Lord or any other of the parties.

But even if it did, I will follow that assertion with another, that evidence of what another person said, that Lord Sandwich said, can never reach nor affect that noble Lord in the most distant degree. It is but hearsay evidence at the best. It can only affect Mr. Cooke, if not disproved; and if ten or ten thousand witnesses, one after another, came to your Lordships Bar, to confirm the testimony of what Mr. Lefevre heard Mr. Cooke say, that Lord Sandwich had told him, it would, it could not weigh a feather with your Lordships. If it could not, the conclusion is direct and inevitable, that the mentioning Lord Sandwich's name, as it cannot affect in the most remote degree that noble Lord, so it is absolutely necessary that his Lordship's name should be mentioned, as directly and circumstantially necessary to prove the means of intimidation made use of by Cooke, to deter the witness from shewing any countenance to Captain Baillie. Once for all, I say, truth and justice oblige your Lordships to believe the noble Lord innocent of the expressions imputed to him; you are bound as judges to believe his Lordship innocent, till you have received proof to the contrary, and heard his defence; and having no proof to the contrary, from the evidence objected to, you have no right whatever to refuse a species of evidence, totally applicable and exclusively to another person, which will certainly be the case should the present motion be carried.

The question was put, and carried by a majority of forty-six to ten.

The Duke of Richmond moved, that the resolution now carried, be read and delivered to the witnesses, that he be informed, that he may answer any question,

question, so that he does not mention the name of the Earl of Sandwich.

This was strongly opposed, as unnecessary and unprecedented; the reading of the motion was sufficient, and no instance was ever known of a witness at the bar being permitted to have any of the proceedings of the House in his possession. A very interesting debate ensued, and the noble Duke's motion was negatived by a majority of forty-four to fifteen.

[Witness called in, and the two last questions and answers read.]

Clerk reads.

“Q. Had you any conversation with the Reverend Mr. Cooke, relative to any prosecutions against Captain Baillie?”

A. I was going to that; I was going to mention it, as it was told me by the Reverend Mr. Cooke; I was going to relate from the beginning of Mr. Cooke's discourse to the end.

“Q. The only thing wanted is, that you will relate that part that concerns an attempt to induce any body to prosecute Captain Baillie?”

A. I recollect after Captain Baillie's book came out, Mr. Cooke informed me that my Lord Sandwich had said, that any person that should be seen to keep company with Captain Baillie, should have a stop put to his preferment for ever.

The following resolution was also read to the witness:

“That it be resolved, that the name of John Earl of Sandwich be not mentioned by the witness at the bar, in his evidence of a conversation with any other person, of what the said person informed him, that the said Earl had said, in order to intimidate the said witness.”

That Mr. Lefevre may be told, that if any questions are asked him which he cannot answer without going contrary to that resolution, he must not make any answer.

Q. Whether he received any intimidations from any person relative to giving support to Captain Baillie?

A. A number, my Lords; I may say numberless.

Q. From whom?

A. From the Reverend Mr. Cooke.

Q. What were those intimidations?

A. Frequently he told me, if I was to be seen in company with Captain Baillie, or had any correspondence with him, an end would be put to my preferment. I was going out Lieutenant in the America; he came to my house and said to me, I find you keep company with Captain Baillie, and he swore by his Maker, there would be an end put to my preferment if I did not desist.

Q. What were the words he made use of?

A. By God your preferment will be stopt, if you persist any longer.

Q. Did any conversation pass between Mr. Cooke and you, relative to any encouragement from Mr. Cooke, to any person to prosecute Captain Baillie?

A. No encouragement to prosecute him, only to have nothing at all to do with him.

Q. Did you hear him make use of such expressions of intimidation to any others?

A. To my father, who was then a dying man; my father told Captain Baillie there was mischief against him, and bid him be on his guard.

Q. Did your father belong to the Hospital?

A. He did.

Q. You was intimidated several times?

A. Frequently.

Q. By any other person than Mr. Cooke?

A. No others.

Q. When was the last time he made one of these declarations?

A. April, 1778.

Q. When did you relate this conversation?

A. To my father immediately.

Q. When to other people?

A. Some part of the conversation long before to Captain Baillie; this I spoke of particularly before the ship sailed.

Q. When did you make this conversation of Mr. Cooke's public?

A. Immediately.

Q. To whom?

A. Captain Baillie and my father.

Q. Any body else?

A. I cannot recollect any body else.

Q. Had you any employment in the Hospital?

A. None.

Q. How was you intimidated?

A. I was a Lieutenant in the navy.

Q. You said, Mr. Cooke told you your promotion would be stopt?

A. He did.

Q. Did he say in what manner it would be stopped?

A. He said an entire stop would be put to my preferment, and that it would be the entire ruin of my father and family, if I was ever seen to keep company with Captain Baillie, or to correspond with him.

Q. How was a stop to be put to your preferment?

A. By my remaining a Lieutenant as I was, I suppose.

Q. Did Mr. Cooke say he had any authority for saying, any person would be marked that conversed with Captain Baillie?

A. He did say he had authority for saying so.

Q. I desire he may be asked what authority he had for saying so?

A. He told me he had it from a nobleman high in office.

Q. What nobleman?

[Ordered to withdraw.]

Here a very warm debate ensued; Lord Sandwich said, he wished most heartily that the resolution had not been made; and if there was any way of getting rid of it, he should be extremely glad to do it. He complained greatly of the conduct of noble Lords on the other side, who, in order to harass and tire the House, started debates upon every trifling occasion. They wished, he said, to put the enquiry off till the very close of the session, to preclude him from a defence; and lamented, that the enquiry had not at the beginning been so constituted, as to have admitted him to make his defence to every different species of charge, as they were brought forward.

The Duke of Richmond disclaimed any intention of procrastination or delay; observed, that it was not a pleasant task on his part: that the charge of delay, lay much more justly against the noble Earl and his friends, than on those at his side of the House; he acknowledged indeed, that he had fortunately laid a temptation, which they had caught at; and that they now found they were in a situation from which they could not extricate themselves; that the noble Lord's affected sorrow might easily be accounted for; he voted for the question, on the division, when he might have prevented it; he now lamented that it had ever passed, and recommended to have it rescinded, or dispensed with, when he knew, by the orders of the House, that it was totally impracticable. His Grace spoke for some time in this strain, and was very severe on the noble Earl. A very considerable pause now ensued, several methods were proposed to get rid of the difficulty; the witness was at length called in.

Asked, who was the nobleman mentioned by Mr. Cooke?

A. Am I to mention the nobleman's name.

Q. He must read the resolution?

A. That deprives me.

Q. Whether he may name the noble Lord or not?

The resolution read to the witness.

You are to answer what nobleman?

A. I

A. I should be sorry to fall under any censure of the House, but that resolution entirely prevents me from mentioning the nobleman.

Q. Will you be so good as to tell the House what other intimidations passed from Mr. Cooke to you, or whether you took any opportunity of complaining to any person when you was so intimidated?

A. Last May I made it my business to go to the Admiralty; I went four mornings with intent to see a noble Lord, to tell him of Mr. Cooke's behaviour; I could not see that noble Lord; I was denied him frequently, and told that the noble Lord would see nobody. I went the next morning into the Captain's room, the servant was desired to go up to the noble Lord, but I could not see him that morning; I went then to endeavour to see Mr. Stephens two or three mornings, and waited from two or three o'clock till after five, but could not see Mr. Stephens.

Q. Did any thing pass between you and Mr. Cooke, about these affairs coming into Parliament?

A. Yes, about the middle of June, 1777, I spoke to Mr. Cooke about his speaking something disrespectful of the Lieutenant-Governor; I said these affairs might come into Parliament; he seemed to catch at that, and said, a noble Lord would take care and put Captain Baillie out of his office before that should be.

Q. Whether he is to name that noble Lord?

A. I am not at liberty to mention that.

Q. Did he mention what noble Lord would put him out of his office?

A. He did mention him.

Q. I desire he may answer who it was?

A. Have I a right to answer while that resolution is in being?

Q. Not against the resolution; I wish Mr. Leffevre would be correct in repeating to the House, the substance of what passed between Mr. Cooke and him about turning Captain Baillie out, rather than it should come before Parliament?

A. As I mentioned before, in the middle of June, 1777, as we were talking of the affairs of Greenwich Hospital, he took occasion to mention Captain Baillie's name; I bid him desist; I said perhaps the affairs of Greenwich Hospital might come into Parliament; he seemed to catch at that, and said, a noble Lord would take care he should not do that, he should be turned out of his office first*.

Q. Did any thing more pass between you and him on that particular subject?

A. Not on that particular subject.

Q. Did any thing else pass, on any other subject, relating to Greenwich Hospital?

A. I was summoned before the Committee at Greenwich Hospital; Mr. Cooke stood up and insisted upon it that I should not say one word; and Mr. Barker, the Chairman, I believe, bid me go out, and said that I should not say a word.

Q. Did any thing pass relative to any other matter of Greenwich Hospital?

A. No other in particular.

Q. Are you a Lieutenant in the service?

A. I am not.

Q. When did you leave the service?

A. Last May; I quitted it entirely from the threats I received from Mr. Cooke.

Q. What threats?

A. That a stop should be put to my promotion, because I spoke to Captain Baillie; I said I did not know that I had acted wrong in any particular, and therefore I should quit the service.

Q. How high was you in the list of Lieutenants?

A. I believe there might be two or three hundred under me.

Q. What time was you made a Lieutenant?

A. October, 1775.

Q. When did you quit?

A. November, 1778.

Q. Whether is it common to promote Lieutenants, unless they merit it by their own gallantry?

A. I never said I expected preferment; nor did I expect to meet with it, from what was told me.

Q. Lord Sandwich. Whether you recollect a conversation between you and me at Portsmouth? And whether you did not apply further?

A. Yes, I did; to know whether what Mr. Cooke told me was true or no; and I thought, from what your Lordship said, it was true.

Q. Whether your quitting the service was not an act of your own?

A. It was; from the threats of Mr. Cooke, and the answer I received from your Lordship.

Q. Whether you was ever threatened by me?

A. I never said I was threatened by your Lordship.

Q. When you met the noble Lord, what preferment did you ask for?

A. Not any in particular; I believe I asked him to consider me, if any preferment was going forward, and if I was to expect any further preferment from the noble Lord?

Q. How long had you been a Lieutenant when Mr. Cooke said a stop should be put to your preferment?

A. I had been a Lieutenant two years and a half.

Q. Should you have thought of quitting the service, when you had been two years and a half, if you had not been told that you should meet with no preferment?

A. No, I should not; I loved the service.

Q. You was made a Lieutenant in 1775?

A. Yes.

Q. And you quitted in November, 1778?

A. Not quitted the service, only on half-pay.

Q. In October, 1776, you met Lord Sandwich?

A. No, I did not mention that time; I said when his Lordship was at Portsmouth; that was last year, that has nothing to do with 1775, or 1776.

Q. You said, from the conversation between you and Lord Sandwich at Portsmouth, you believed that what Mr. Cooke said was true, that a stop should be put to your preferment; give an account of that conversation?

A. I asked his Lordship, if I was to expect any further preferment; his Lordship, for a long time, made no answer at all; at last, I think, his Lordship said, that he had a good opinion of me, but that if I stood there from that time to that time twelvemonths, I should get nothing out of him.

Q. Was that all he said to you?

A. Yes; that I might expect no other answer.

Q. You say, that the only thing that Lord Sandwich said to you was, that he had a very good opinion of you, but that if you stood there from that time to that time twelvemonths, you should get nothing out of him; how did you understand from that, that he did not mean to prefer you?

A. From the very great indifference with which it fell from him. One circumstance I forgot to mention; prior to this discourse, early in the morning, I went on board of the yacht, his Lordship turned his back on me, and went down into the cabin immediately; this was the same morning, before my conversation with Lord Sandwich. I went on board the America, told my Captain of it, and mentioned Mr. Cooke's conversation; and he said, did I not tell you, that that man would not do you, or any body else, any good.

Q. How long might it be after you asked the question, before his Lordship made any answer at all?

A. I believe some minutes; for I followed my Lord from Sir Thomas Pye's house, a good way down Portsmouth.

Q. How long was it?

A. I believe a quarter of an hour, at least.

Q. Whether you solicited the First Lord of the Admiralty frequently before this?

A. Several times; I suppose three months before.

Q. What was your father?

* Mr. Cooke's words were literally verified.

A. A Lieutenant in the Hospital.

Q. One of the complainants with Captain Baillie?

A. I believe he was; I have heard him say he should certainly assist Captain Baillie, that he believed he was an honest man.

Q. Had you received any answer from Lord Sandwich?

A. Yes; he said I was a very young Officer, he wished me success. I told it to my friends, and they said there was no hopes of my being preferred.

Q. When was your first application?

A. My first application was before I was Lieutenant of the America.

Q. After you was a Lieutenant?

A. December, 1777.

Q. What answer did you get then?

A. Rather a flattering one.

Q. When was this answer, that you was a young Officer, and wished you success?

A. I believe it was in February, 1778.

Q. It was since that, that you saw Lord Sandwich at Portsmouth?

A. Yes.

Q. Since that, you have made no application at all?

A. None.

Q. What ship was you in at that time?

A. The America.

Q. Who was Commander?

A. Lord Longford.

Q. A man may have been a young Lieutenant, and have been a long time at sea; what age are you?

A. Thirty-two.

Q. How long have you been at sea?

A. Twenty-two years; I went to sea when I was ten years of age.

Q. When did that conversation pass between you and Lord Sandwich, at Portsmouth?

A. I believe in last May.

Q. When was the conversation with Mr. Cooke.

A. Between February and April, 1778.

Q. In May, you saw Lord Sandwich at Portsmouth?

A. Yes.

Q. How many Lieutenants stood on the list when you applied to Lord Sandwich?

A. Many; perhaps seven or eight hundred; or perhaps a thousand.

Q. Though you had been so long at sea, would you have felt any sort of inclination to have quitted, supposing you had thought you was in a likely way to have the chance with other people for your preferment?

A. I never should; other people know I never should; it was an employment that I loved.

[Mr. Lefevre ordered to withdraw.

The House adjourned to the next day.

Wednesday, April 21st, at half past 3 o'clock.

Captain BAILLIE called in.

Q. What proceeding he took in consequence of his book; and what persons he laid the complaints of Greenwich Hospital before?

A. Does your Lordship mean in regard to the printed case of Greenwich Hospital?

Q. Yes.

A. When I had prepared the printed case, I thought it prudent, first to lay it before the First Lord of the Admiralty, hoping that he would pay some attention to the complaints in that book, as it is called; I think that was on the 7th of March, twelvemonth. It lay with his Lordship nine or ten days before I attempted to make any further application; then I waited in person on the First Lord of the Admiralty, hoping he would give me some satisfaction, and redress the grievances complained of. He did not pay that attention to them that I expected; he said he had received a particular letter from me;

I told his Lordship it was on a particular occasion; and asked his commands upon it; he said he had no commands upon it; I thought an examination was likely to take place, Sir Hugh Palliser and Mr. Stephens being present; and, as I had no witness, I made a bow, and came away. I have a copy of that letter.

Q. Is it not on the table?

A. No; it is the letter said to be lost, and not produceable by the noble Lord to whom it was addressed. I thought it prudent to lay it privately before his Lordship first: I beg the permission of the House to have that letter read.

Clerk reads the following letter:

To the Right Honourable the Earl of Sandwich;
addressed on his Majesty's service.

Royal Hospital, March 7th, 1778.

"As your Lordship has hitherto been disposed to hear only one side of the affairs of Greenwich Hospital, I take the liberty to inclose, for your Lordship's consideration, a state of facts, which, I trust, will stimulate your Lordship to redress the grievances therein complained of; and thereby restore me to my proper command in the Hospital, of which I have been deprived by a combination of landmen, who, if they had any right to a footing in the Hospital, can have no pretence to pervert and depose the lawful government thereof.

"I have the honour to acquaint your Lordship, that I will not sit down contented to see the men cheated, and myself insulted, by priests, clerks, or contractors. I think it, however, my duty to forewarn your Lordship, that if you are any longer deaf to reasonable complaints, I shall put this effort for redress into execution; which I should have deferred for a more seasonable opportunity, but the recent overbearing conduct of the faction so frequently alluded to, in the inclosed case, has compelled me to struggle for immediate redress.

"I would not have your Lordship understand, that I mean to disturb government at this critical time, by applying to Parliament; I scorn the imputation of making any other appeal than to the body of the Commissioners and Governors of the Hospital, whose bounden duty it is to hear and redress the grievances complained of; and I most sincerely lament that an establishment, so truly popular and great, should be so far perverted as to force me to make any appeal.

"I am,

"My Lord,

"Your Lordship's most obedient,

"and most humble servant,

"THOMAS BAILLIE."

Q. Give an account of what steps were taken in consequence of this?

A. In consequence of that letter and printed case, instead of any examination into the affairs of Greenwich Hospital, there was a complaint set on foot against me: a number of the Officers were encouraged to complain of it; I did not know that I had given any cause of complaint against me. The printed case was brought down to Greenwich Hospital; otherwise I should have waited longer for his Lordship's indulgence than ten days; perhaps a month, or perhaps till now. The Rev. Mr. Cooke set on foot a complaint against me; and went about among the Officers, as if he had been canvassing for votes at an election: the majority of the Naval Officers did not complain; nor was any complaint made an act of the Council of the House; it was rather a kind of conspiracy; I don't know what to call it. Another complaint was set on foot against Captain Baillie at the Board of Directors that met with more success; that was sent in form to the Lords of the Admiralty. The

The Clerk of the Works, and the civil Officers of Greenwich Hospital, also complained, who were accused themselves: nor was this an act of the Council, which is usual when any complaint is presented to the Board of Admiralty. The Governor did not sign any complaint against Captain Baillie, as Governor, but as a Director only. In consequence of these complaints, a General Court was held in April; but instead of a Court of the noble persons that constitute a great part of that body, there was a sort of a puisne General Court convened, in order to have it submitted to them, what should be done respecting the book. That it was not such a General Court as I had wished; that Mr. Ibbetson had once, on his own suggestion, summoned a full General Court, to elect a new Steward to the Hospital; I humbly conceive it was of more consequence to enquire whether the finest and noblest Charity in the world was well or ill managed; abused or not abused; was a matter of infinitely more importance than the election of a Steward to the Hospital; and therefore I hoped, that as much pains would be taken to assemble an impartial General Court, to take the case, stating such a variety of criminal charges, into consideration, as had evidently been bestowed on the former occasion. That on the 14th of April, 1778, the General Court, consisting of six Lords of the Admiralty, Mr. Stephens, their Secretary, the Governor of the Hospital, three Commissioners of the Navy, the Lieutenant-Governor (Captain Baillie), and thirteen Directors, met. The First Lord of the Admiralty was pleased to say, when the complaints were read, at this Court, against Captain Baillie, if he would name a Committee of Directors out of the number present, he should chuse his men. I objected to the Directors, because they had complained of me, and were impeached by me; I therefore thought it an improper tribunal to try me, or themselves, who were the very persons I had accused. I objected to these Directors sitting in judgment upon their own conduct. Lord Sandwich, however, thought it a proper tribunal to examine into the affairs of Greenwich Hospital. His Lordship desired me to object to any of them. I thought, as they had turned the tables upon me, none of them were proper persons to sit on the Enquiry. They were, however, constituted a Committee; and they sat seven days. The whole of their proceedings was partial, arbitrary, and unjust.

Q. Give an account of what happened at that Court.—What day was the General Court of Enquiry ordered?

A. I believe, the 14th of April, 1778. The resolution of the General Court is among the papers on your Lordship's table.

Mr. IBBETSON called in.

(Reads the following resolution.)

At a General Court of the Commissioners and Governors of Greenwich Hospital, which was held at the Admiralty, on Tuesday, April 14, 1778.

P R E S E N T,

Right Honourable Earl of Sandwich,	} Lords of the Admiralty.
John Buller, Esq.	
Lord Charles Spencer,	
Right Honourable Earl of Lisburne,	
Sir Hugh Palliser,	
Right Honourable Lord Mulgrave.	} Commissioners of the Navy.
Philip Stephens, Esq. Secretary to ditto.	

Director, Sir Charles Hardy, Admiral of the White.

Directors.	{ George Marsh, Esq.	} Commissioners of the Navy.
	{ Timothy Brett, Esq.	
	{ Sir Rich. Temple, Bart. }	

Captain Baillie, Lieutenant-Governor,	} Directors.
Sir Merrick Burrell, Bart.	
Z. P. Fonnereau, Esq.	
James Stuart, Esq.	
John Cleveland, Esq.	
Peregrine Cust, Esq.	
T. T. Savary, Esq.	
Thomas Hicks, Esq.	
John Barker, Esq.	
William Wells, Esq.	
Rev. Mr. Cooke,	
Joah Bates, Esq.	
Sir Richard Bickerton,	
William Reynolds, Esq.	

Lord Sandwich informed the Court, that he had called them together in order to lay before them a letter, which the Secretary of the Admiralty had received from Captain Baillie, Lieutenant-Governor of Greenwich Hospital, dated the 26th of last month; together with a printed book, which accompanied it, entitled, *The Case of the Royal Hospital for Seamen, &c.* as also several applications from the Board of Directors, the Officers of the Council, the principal civil Officers, and great numbers of the Clerks, &c. who conceive themselves greatly traduced and injured by the charges contained in the said book, desiring redress; all which papers were read; and Mr. Brett and Mr. Barker, two of the Directors who were not present when the application from that Board was signed, declared their full concurrence in every thing set forth therein. And the Secretary read to the Court a letter which he had received from Mr. Eden, another of the Directors, representing, that it would not be in his power to attend the present Meeting to-day, as he was to leave London yesterday; but that having read Captain Baillie's performance, he was satisfied that it was improper and unwarrantable in every respect, and that he should be very glad to hear that the General Court was disposed to proceed accordingly.

Captain Baillie, who was present, acknowledged himself to be the Author of the above-mentioned Case; at the same time insisting that it was not a book but a memorial.

Great part of the said Case was then read; particularly such part of it as more immediately reflected upon the proceedings of the Directors and their Secretary.

Mr. Cust then moved, that a Committee might be appointed to investigate the grounds of the charges contained in the said printed book; and the Court being of opinion that it would be a very proper measure, Captain Baillie was desired to name seven of the most independent Directors to form a Committee for that purpose, which he declined. Lord Sandwich then took a list of the Directors, and having put down the names of the following Gentlemen, viz.

Sir Merrick Burrell,	Mr. Barker,
Mr. Fonnereau,	Mr. Wells,
Mr. Cust,	Mr. James,
Mr. Savary,	Mr. Reynolds,

Captain Baillie was asked if he had any objection to them, or to any of them; to which he declined giving any other answer, than that he disapproved of the mode. It was then

Resolved, "That the above-mentioned Gentlemen, except Mr. Fonnereau, who desired to be excused on account of his ill health, should be a Committee (of whom three to be a quorum) to investigate the grounds of the several charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places, as they should think most proper for the purpose; and when they had completed such investigation, to let the Lords of the Admiralty know it, that another General Court might be called to receive their report.

Adjourned.

Q. It

Q. It appears by the directions given to the Committee, that they were to investigate the grounds of the several charges contained in Captain Baillie's book?

A. Yes.

Q. Are there any directions in the order, to enquire into the complaints against Captain Baillie?

A. That is all that appears.

Captain BAILLIE again.

Q. Give an account of what you know of the proceedings of that Court of Enquiry, appointed to investigate the grounds of the complaints?

A. It was a most complicated business; it is impossible to remember the whole of it; it was the course of seven days examination. First, they came down with a special Pleader, a Counsel at Law, which I thought not necessary on an enquiry into the management of Greenwich Hospital; I had no idea that a Counsel was to be employed against me, or the pensioners. This Gentleman brow beat me, he brow beat the evidences; he drew out the charges, by taking a chain of sentences, bits of lines, and scraps of paragraphs, out of my book. I was brow beat; I was called a blackguard by the Clerk of the Works, and a liar by the Rev. Mr. Cooke. I beg to refer to my letter to the General Court of Governors and Commissioners, in which is a particular account of all or most of the transactions of the Committee; it is dated the 12th of August, and lays on your Lordships table.

Q. You understand, it is expected that you are to swear to the truth of the contents of the letter?

A. If there is the smallest circumstance that I cannot swear to, before your Lordships and before God, I will point it out. First of all, a respectable Officer of Greenwich Hospital, Lieutenant Gordon, as soon as he had given his evidence, he was told by Mr. Morgan, because he did not approve of his evidence, that he might go to the Devil; he is an Officer that had both his legs broke in the service.

Q. Did this Committee reprove Mr. Morgan for so doing?

A. Not in the least; after Lieutenant Smith had given his evidence, Mr. Morgan said, your evidence is a libel, Sir. This terrified the Officers; they thought they should be brought into the predicament that I was. I beg to read my letter of the 12th of August, to the General Court of Governors and Commissioners.

My Lords, I beg leave to add, that this gentleman (the Short-hand writer) whom I did not expect to see here; on the first day of the Enquiry I saw a great deal of foul play; I thought the proceedings were not to be warranted; I sent for this person to take Minutes on the second day; I had him at a side table; I told Mr. Cust that he was a person I had introduced to take Minutes by his leave; he asked him who he was; he said he was a Short-hand writer brought there by Captain Baillie to take notes; upon which Mr. Cust said, then Mr. Short-hand writer please to walk out, and he was turned out in that abrupt manner. I believe the gentleman was frightened, and thought he was going to be beat. Here is an expression in this letter, I beg leave to mention before I declare it upon oath; I understood, at a preceding General Court, that Lord Sandwich said none were summoned to the Court but whom he thought proper; when I objected to the Court, to the best of my belief, he said, "A General Court is not such as you chuse to petition for, but such as I think proper to direct; which being contradicted by several persons of character and reputation, I don't wish to give it in evidence, though I have it on my Minutes exactly as it stands in my letter."

* These Testimonials were not delivered; Captain Baillie had them ready, but finding little or no attention paid to this letter, he declined any further attempts to obtain justice.

† This sentence in *Italics* was withdrawn, as before-mentioned.

Captain BAILLIE reads the following letter as evidence:

To the Governors and Commissioners of his Majesty's Royal Hospital for Seamen at Greenwich.

"My Lords and Gentlemen,

"As I find that a Special General Court is to be held this day, to which I have received no summons, and of which I knew nothing till a few days ago, I imagine that it is intended to receive the report of the proceedings of the Committee appointed to enquire into the charges laid by me before the General Court, in order to obtain your sanction to the intended report.

"I therefore think it my duty, in support of the cause which I have undertaken, to repeat my protest against the Committee, which has undertaken to enquire into and report concerning the truth of charges, the greatest part of which is against themselves, as Members of the Board of Directors.

"When I first laid the Case and Memorial before the General Court, I had no idea that the truth of any of the charges could be disputed. I drew them up with great care, and on the last review, erased every thing about which I had the smallest doubt in my own mind. I was sensible of the powers and influence of those whom I was opposing, and that nothing could support me but *Truth and Justice*; I appeal to your candid recollection of my conduct in several instances in which the pensioners have been injured; I appeal to the inclosed *Testimonials** concerning my character in near forty years service, and to my conduct in the Hospital, whether I could have any other motive than a wish to recover and preserve this noble establishment to the sole use of the Navy, and that the pensioners might be maintained in such a manner, "As to encourage fit and able persons to betake themselves to the sea-service."

"My situation, as Lieutenant-Governor of the Hospital, is the highest preferment of which my rank in the service will admit. I have therefore nothing to hope from the success of the charges which I have exhibited, but in the line of my duty, as an Officer of the Hospital; and there is nothing urged in any part of the Case or Memorial in which I have the least personal concern: I was myself fully secured in ease and comfort, if I could have heard with indifference the complainants that were continually crowding to my door; and I know that I have acted contrary to those maxims of prudence and circumspection which govern the world; but I should have ill deserved the appointments with which I have been honoured, if I could have been deterred by menaces or dangers from doing my duty.

"I appeal, Gentlemen, to your general knowledge of the world, whether it is not more natural, in the current of human affairs, to suppose, that abuses have crept into the management of the Hospital, which has been so long established, than that every thing is perfectly right, and whether the knowledge of those abuses is more likely to arise from the complaints of the injured, or the reports of those who are termed the proper Officers; abuses, it is well known, can only be prevented by frequent enquiries by those who wish, and have power to reform them, and such a wish must appear in the candour and attention with which the complaints are heard.

"That I have not been heard with candour, is too evident from every part of the proceedings on my complaints; I meant to appeal to a full Court of all the great and noble Personages who are named in the Charter as Governors and Commissioners of the Hospital; *instead of which, I have been informed by Lord Sandwich, that none are summoned to the General Courts but those whom he thinks proper*†. I have brought a general charge of neglect or misconduct

against

against the majority of those into whose hands the Government of the Hospital has fallen, supported by a variety of instances; and I have undertaken, at the hazard of every thing which is dear to me as a man of honour and reputation, to prove both the general and the particular charges.

" But I had no idea that in this country a tribunal could have been erected, in which the accused have sat in judgment on their *own conduct*, and are now to determine and report on charges against themselves; a situation which I did not imagine any man of reputation could have been betrayed to appear in.

" In drawing up many of the charges, I purposely stated them in the strongest terms, because I meant to provoke an enquiry. I know how common the maxim is to stifle and suppress all complaints of this kind, and I dreaded if I did not bring on a full and fair investigation of the charges, that I should injure the cause which I meant to support.

" As I am convinced that several of the Directors mean to act well, and are therefore conscious of their own integrity, I expected that on reading the Case and Memorial, they would have been as anxious as myself for an open and fair enquiry, as the only means of clearing themselves from imputations, especially those in which frauds are charged to have been committed on the Hospital, without any proper enquiry or punishments by the Directors.

" My expectations would have been fully answered, when I heard the complaint of the Directors at the General Court, that they could no longer act with credit to themselves or advantage to the public; if they had added, 'till the charges had been enquired into, and their falsehoods proved;' instead of which they say, 'till exemplary notice has been taken of the author.'

" The General Court acted perfectly agreeable to my expectations, when they determined that a Committee should be appointed to investigate the grounds of the several charges contained in the printed Case of the Hospital. But I was much surprised to hear my Lord Sandwich propose that this Committee should be appointed out of the Directors themselves. Mr. Brett anticipated me in the objection, by observing, 'That they had already pronounced the charges to be false and scandalous, and that after the enquiry, the Committee could do no more;' he might also have added, 'they could do less.' They had also demanded that I might be punished for having made my charges, a demand which they had a right to make, if they are false and scandalous; but they ought to have seen that this demand disqualified them from undertaking to enquire, or to give any further report, in order to obtain the punishment which they had demanded.

" It was contrary to every appearance of fairness and candour, and to every rule of public business in like cases, to appoint any of the Directors Members of the Committee; instead of which, the Committee appointed consisted entirely of Directors; and the Gentleman who took the most active part in reporting the complaints against me, was appointed Chairman.

" I considered the offer of his Lordship for me to name the Committee out of the *Directors*, as a mockery and insult. I had seen at the Board at Salter's Hall, in which their complaints to the General Court was resolved on, that many of the Members, who were by no means included under the term 'Acting Directors,' are yet highly offended at every imputation on the conduct of the Board, and also that they seemed eager to listen to every excuse that could be offered by those who were more actively concerned, as an excuse to themselves for not having paid more attention to the business of the Hospital. Had I not observed this, and had they not joined in pronouncing the charges to be false and scandalous without any enquiry, from the opinion which I had entertained of several of the Members of the

Board, I should have been induced to have waved the general objection, and submitted the whole to their candid determination. Anxious as I am for my reputation, particularly on this occasion, when the welfare of the pensioners, in whose cause I have engaged, is so materially involved, I fear that the angry Director will be forgot, and the private character of those by whom I am opposed will be weighed against me. I appeal, therefore, Gentlemen, to your own bosoms at this moment, whether you are not much too angry against me for having made these charges, to hear with calmness and temper any proofs which may be brought to support me.

" Notwithstanding the objections which I have here made against the Committee, I admit that their conduct might have been such as to have removed the greatest part of them. It was on this account that I appeared before them, though I was advised not to give any sanction to their proceedings, and that I urged them on, the first day of their meeting, to attend to the extreme delicacy of their situations; instead of which, the greater part of their proceedings have still been more irregular than their appointment.

" A Counsellor has appeared against me during the whole proceeding, of which I had no notice; and I had no idea that Counsel would have been brought down to Greenwich Hospital to plead against me, or the pensioners. The Secretary and Solicitor of the Hospital, who are both complainants, were present, and took notes throughout the whole, and Mr. Cooke, the Clerk of the Committee, is in the full predicament, against whom the greatest part of the Case is directed, as he is a landman, and now lodged in the Wards of the pensioners, though his place does not intitle him to apartments in the Hospital by establishment. The Rev. Mr. Cooke, Mr. Hicks, and Mr. Stuart, were generally present, though not of the Committee, took an active part in the proceedings, and seemed determined to shew that they are the Managing Directors, whilst the door was carefully closed against those to whom the Committee had any objection, and every person called by me ordered immediately to withdraw, after they had answered the questions proposed.

" Mr. Morgan, the Counsel against me, was permitted to point out, and direct, all the proceedings of the Committee; which he calculated so as to thwart and defeat the evidence, in a manner which I was by no means aware of, instead of investigating the grounds of the several charges, as ordered by the General Court, and taking the case fairly from the beginning to the end; the complaints of the several Officers, Clerks, and others, were taken as the foundation of the proceedings.

" Mr. Morgan had selected several passages from different parts of the case and memorial, which he had strung together in an unconnected manner, under the head of charges against particular persons, all of whom he frequently declared to be his clients. And I was then desired to prove not my own charges, but Mr. Morgan's; many of these passages I had no idea of, applying in the manner which Mr. Morgan did; and others were matters of opinion, grounded on a long train of facts and arguments, which were not enquired into by the Committee; on those which related to private characters, it was found that the opinions of some of the witnesses were of such a nature, that they did not think it safe to declare them, unless compelled by an oath. This was deemed a failure of proof, though it ought to be taken as a proof, that the powers of the Committee were not sufficient for the enquiry.

" Though Mr. Morgan's clients were by his contrivance become plaintiffs in the enquiry, yet they were all heard as evidence for themselves and for each other.

" Notwithstanding they were so much interested, particularly the landmen, in defeating the enquiry, whilst I made no attempt to avail myself of my

own testimony, though I doubt not but my character and situation will intitle me to be heard with attention before any proper tribunal, as I have no interest in any part of the dispute, but the interest of the Hospital. Whenever I appealed to any of the complainants on things which are generally known in the House, if they seemed inclined to answer, they were stopped by Mr. Morgan, who very frequently declared, that he would not suffer his clients to give evidence against themselves; an artifice which may be proper for the Counsel of a prisoner at the Old Bailey, but it is a very unfair and suspicious precaution in a Court of Enquiry, into the affairs of Greenwich Hospital.

"When any of the evidence went in the least beyond the line drawn by the Counsel, or spoke of facts which were charged, but not within the proscribed limits, they were told it was too soon; and if evidence after presented, which affected the same person, they were told it was too late.

"This mode of proceeding was more perplexing to me, as I had been refused copies of any of the complaints or proceedings against me, by the General Court, by the Directors, and by the Committee,—as there was no opening or explanation given, which could direct me to the passages complained of, I was generally at a loss to know what those passages were; in points wherein I was fully prepared,—my evidence were usually refused to be heard, especially if they were pensioners; of this there are a great many instances in the notes which I have taken of the proceedings; and amongst the rest, is the refusal to hear the evidence of the men who happened to be then on guard, which was proposed as the most impartial method of taking the real sense of the pensioners in general, on the complaints of the linen, though this was first proposed by Mr. James.

"On those points in which I appeared to be the most fully prepared, the charge was generally declared frivolous, or not to affect the particular person who had complained of it, and therefore could not then be heard. But in all other cases, if the most pointed evidence was not immediately produced when demanded, the Clerk was ordered to write no proof; and nothing afterwards could be heard on the subject, though the most unexceptionable testimony was offered.

"Mr. Charles Lefevre, who was at sea, at the time in which Mr. Morgan had called on, what he deemed the charges against the Reverend Mr. Cooke and Mr. Godby, though he was the person from whom I had received the information of the letter written by Mr. Godby, after the composition with the butcher; and also the declaration of the Reverend Mr. Cooke, in the Hospital, concerning the denunciation of Lord Sandwich against me, through the Reverend Mr. Cooke to Mr. Charles Lefevre, is now sworn to; and though he appeared at the last meeting of the Committee, and offered his evidence, it was positively refused; and I believe that both these passages in the Case, now stands in the Minutes of the Committee, and will be reported to you as not proved. Many other of the facts charged are in the same predicament; amongst others which have not been proved before the Committee, is the great nuisance in three capital wards, arising from the sink in Lieutenant Besson's new kitchen, which passes through them, though it materially affects the health and happiness of sixty pensioners. This every man in the several wards is ready to prove; but the Committee have repeatedly refused to hear them; and the Boatwain, who was waiting to give evidence on the nuisance of the said sink, was complained of, for not paying proper respect to the Reverend Mr. Cooke, who was continually passing to and from the Committee-Room; for which he was turned out of his office, though a man of a very respectable character. This and other proceedings of the like kind, greatly intimidated the pensioners, and created a general opinion amongst them and the nurses, that they would be punished if they gave evidence. Notwith-

standing which, great numbers of them appeared; and I believe that they are still ready to give their testimony, which is a proof of their integrity and the justness of their complaints.

"The effects of the denunciation of Lord Sandwich's resentment, by his Chaplain, on the Officers of the House, was very evident, in the cautious manner, in which some of them gave their testimony before the Committee, on those points which they had been accustomed to declare their sentiments in the strongest terms, and the most public manner. The treatment which they received before the Committee was calculated for the same purpose: an old and respectable Officer of the House was most grossly insulted; and another told that his evidence was a libel. I was myself addressed by the Chaplain, and the Clerk of the Works, in the most vulgar terms of abuse; the latter of whom had the insolence to reproach the Naval Officers of the House, as living on charity; and has since knocked down a disabled officer of the House, with his cane, within the walls of the Hospital; which is a fresh proof of the want of discipline and due government in the Hospital, as mentioned in the printed Case.

"It will appear, however, from the attestation subjoined to the declaration of Lieutenant Lefevre, that a majority of the naval officers resident in the House, have given the fullest and most unreserved attestation, in support of my character and conduct in the Hospital; And I appeal, Gentlemen, to your candid considerations, whether these attestations, which do me so much honour, could possibly have been given under so many discouraging circumstances, but from a conscientious conviction of the truth of their declaration. The declaration of Mr. Lefevre's father must be considered as that of a dying man; as he was during the whole sitting of the Committee, confined to his bed, and believed to be in great danger; yet when this paper was offered to the Committee, by another officer, after I had been ordered to retire from the Committee, it was refused to be heard, and his offer to answer any questions from the Committee, totally disregarded; by which I was deprived of the whole of his evidence. If the naval officers of the House, who thought proper to join in the complaints to the General Court, against me (though they could have heard or read but a small part of the printed case) had had proper ideas of their duty as naval officers, they would have felt it as an irresistible duty to give the strongest support to the cause, in which the interests of the navy, and the seamen under their care, was so materially considered.

"One of those Officers was so far from fulfilling his duty as a guardian of the pensioners, as to tell the Committee, that the men worked in copperas grounds, and that this dirtied and spoiled their *linnen*, rotted their *shoes*, their *stockings*, and their *breeches*. This cause, assigned by Captain Maplesden, was afterwards fully proved to be without foundation (see the 6th day's Minutes), which fairly demonstrates how inimical he is to the cause of the pensioners, whom it is his duty to protect, though he was thus inadvertently drawn in, to give evidence on the wretched state of the linen, the shoes, and the stockings.

"With others of those Officers who signed against me, I have had frequent disputes, on their attempting to take quantities of the pensioners broth, which they claimed as a privilege, and contended for with great violence, even at the Council, and also on receiving ale as perquisites from the brewer, though they have no right to it. This I caused to be stopped, as I apprehended that it was one cause of the great complaints about the beer of the pensioners.

"These Officers, for whom Captain Chads, though the youngest Officer in the House, undertook to speak, declared before the Committee, "That they never heard of any complaints, but about the beer," and that was immediately redressed," though their names appear to several Minutes of Council; copies of which were sent to the Directors, in which there are

are various complaints, particularly about the shoes, stockings, and other necessaries.

" Captain Chads also undertook to give an high panegyric on the excellent moral character of the Reverend Mr. Cooke, in opposition to the account of his conduct which I had given in the Case; who has spoken nearest the truth, on this delicate subject, may be a matter of future contest; but there has been laid before Sir Charles Hardy the Governor, a complaint in behalf of a poor baker in Greenwich, who has frequently declared, that the Reverend Mr. Cooke had ordered a quantity of bread from him, above two years ago, to be distributed, instead of money collected, at the Sacrament, amounting to 4l. 1s. and also 40s. in silver which he ordered from him at the same time, neither of which are paid for yet; and the Hospital is under the disgraceful imputation of giving bread in charity, and running in debt with the baker. The Committee will probably recollect how anxious Mr. Cooke was, that he should have full credit for his management of the Charities in the Hospital; particularly that given in a late severe winter; and in this Case, the baker was not paid till six months afterwards, as he the baker has averred.

" As the characters of the several persons who were called by me, underwent a severe scrutiny before the Committee; and as I have been deprived of the opportunity of stating these facts before the Committee in return, it is unnecessary to offer any apology for mentioning them here.

" Notwithstanding the most unprecedented mode of conducting this enquiry, every fact charged, which has been enquired into, has been fully proved; and generally appeared in a stronger light than has been charged in the Case, particularly the linen there said to have decreased in size and goodness, which was proved by a variety of positive testimony, and by shirts, sheets, &c. produced before the Committee. Yet, though this complaint was more attended to than any others, it was by no means sufficiently investigated, and there is at this time, a deficiency of a very large quantity of linen, which is allowed by the establishment of the Hospital.

" But the facts which have been enquired into, make a very small part of those which are charged in the printed Case.

" The great charge, that landmen have been obtruded into the Hospital contrary to Charter, to the establishment of the Founder, and his royal successors, to the will of the numerous benefactors, and to the nature and end of the institution, the Committee have positively and repeatedly refused to enquire into, though this is the parent of nearly all the grievances complained of. It was to obtain a report on this article that I attended the Committee, notwithstanding the unworthy treatment I received, and compared with this, I feel little anxiety about the rest of the charges; as I am convinced, that if this was remedied, the greater part of them, would of themselves fall to the ground.

" No enquiry was made into the charges on the conduct of the several Officers, and under Officers now in the Hospital, who were concerned in the improper management of the beer, in receipt of the bull beef, and other transactions of the like fraudulent kind; but several of them seemed inclined before the Committee, to dispute even the verdict of the jury; as they probably would, the justness of the butcher's man, who was transported. No enquiry has been made into the bad state of the shoes, which was so fully proved before the Council, and which are worse in every respect than those served in common work-houses; the stockings, which are in still a worse state, have also not been enquired into; and are totally incapable of defence or palliation.

" The whole business of the Charity Stock, in which is involved so many abuses, has not been taken the least notice of by the Committee, though charged at length in the Case, and though the drunkenness so frequently imputed, as a reason for treating the pen-

sioners with contempt, is occasioned by improperly giving so many of them money, instead of provisions.

" The improper admission and treatment of the boys, and every other circumstance relating to them, were also neglected. The evidence which I offered, to prove the mischiefs and terrors to which the blind and feeble men are subjected, by the removal of the posts and rails, were all refused to be heard.

" Of the number of Officers widows now serving in the mean capacity of common nurses, under spinsters who have no claim to the establishment, no notice has been taken.

" Many of the matters which have been mentioned, were very slightly investigated; as the question, whether the Hospital is finished or not; and nothing has been offered on the subject, except the extravagant idea of the Clerk of the Works, that the Derwentwater estate was granted in perpetuity to finish the building. The several circumstances relating to the ousting the pensioners; and the encroachments by landmen, in different parts of the Hospital, were very slightly enquired into.

" The bad state of the Infirmary the Committee refused to view; and have heard no evidence but that of Mr. Mylne; which can be fully controverted.

" The matter of the Painted Hall was slightly investigated, and appeared as stated in the printed Case. But had the Committee visited it themselves, they must have seen many defects which were never observed before; and it is now doubtful whether it is not now injured by the great expence attending the cleaning of it.

" The many inconveniencies and losses which have happened to the Hospital, from the very slight manner of examining and passing the accounts by the Directors; particularly, the great loss in the Case of Mr. Ellis, from the ineffectual checks on the Steward's Office; and the large sums which are annually expended under the head of Necessary Works, from the reports of the Clerk of the Works, with very little examination or controul. These, with many others, most material objects of enquiry (which may hereafter be more carefully enumerated) were all referred to the Committee by the General Court; but have either not been investigated, or the evidence which was offered, refused to be heard. And on many of them the Committee might have had the best information and evidence, by examining the matters themselves, which they declined to do.

" But the great finesse by which every purpose of full and fair enquiry has been finally defeated before the Committee, has been, that on many occasions, when I strongly pressed that my evidence might be heard, I was told by Mr. Cust, the Chairman, that it was not proper now, but that when Mr. Morgan had gone through the charges against his clients, whatever matter I should then declare had not been investigated, or properly enquired into, should be fully heard under the general head of charges against the Directors: this promise, Mr. Cust particularly repeated, when the gowns of the nurses were shewn to him; which complaint was so evidently just, that he appeared to think it would not be disputed. And he very frequently declared that the Committee could not finish their enquiries for several months.

" But on the day in which the charges selected by Mr. Morgan were to be finished, Mr. Cust did not attend, and another Chairman appeared, who behaved in the most unwarrantable and arbitrary manner; refused to hear evidence on almost every subject; treated every attempt to impeach the conduct of the Directors as a personal insult, which he resented with great violence; and decided upon several subjects of debate without attending to any other authorities or arguments than his own, which generally was, 'that there were different opinions about the matter, and that was all he could learn about it.'

" I was at length ordered to withdraw; after which the Officers of the Council, whose evidence had been finished, and they had withdrawn, were called

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in again, and the examination into the complaints against me resumed in my absence.

"On the breaking up of the meeting, I was informed that the next meeting would be to examine into the charges against the Directors; and that they should want nobody but themselves.

"Thus, all the promises of Mr. Cust, and the expectations which had prevented me from making any objections in the course of the enquiry, were defeated.

"I now find that the task which I have undertaken, to enumerate the several objections to the conduct of the Committee, much too great to be effected in this letter; as it requires an enumeration of the whole, and appears much stronger in the proceedings taken at length, than in this abstract of them. As I have laid a full account of the proceedings before Council, I must wait for their opinion and assistance. But I thought I should have been inexcusable to myself, to the pensioners, and to this Court, if I did not make an attempt (however slender my hopes may be) to induce you to review and consider well all your proceedings against me, in this stage of the business.

"It is necessary, my Lords and Gentlemen, for your own honour and reputation, as well as for the cause of *truth* and *justice*, and the welfare of the pensioners under your care, that you should review the proceedings in the most dispassionate manner. I cannot yet suppose but there are here several Gentlemen who will not submit to become instruments of oppression, and that they will declare the Committee was improperly appointed for the investigation of truth, (on which ever side it is) or for the clearing the characters of the several parties — that the proceedings were irregular and arbitrary; and that it broke up in a manner which will not do honour to any of those concerned in it.

"Attempts may be made to hold me out to all future Officers of the House, who shall dare to suppose that there are abuses in Greenwich Hospital — and I may suffer for having made those complaints — but I will not patiently submit to oppression. I must somewhere be fairly heard; and as the whole matter is now *sub judice*; and as I have a great number of affidavits of men of character, ready to produce and oppose to the volumes sworn against me in the King's-Bench, by the parties who have moved for informations, I trust, my conduct will not be prejudiced by the General Court; for I never had the least wish to attract the attention of any of the public on the affairs of the Hospital, if I could possibly avoid it; and as a faithful servant to his Majesty, I am particularly desirous of avoiding every thing which may tend to disturb the minds of the seamen at so critical a moment as the present; I therefore anxiously wish to gain the attention of the Court, so far as may be necessary to put a stop to the principal evils complained of in the management of the Hospital, which disturbs the comfort and happiness of the pensioners, as there may then be no necessity for pursuing the retrospective view of the various causes any further.

"I well know the prejudices which are entertained against me; I have told truths of a very unpleasant nature; and I have stated facts, which are considered as reflections by those to whom I profess personal esteem; and others to whom I owe personal obligations. But when I made this attempt, to obtain a reformation of all the abuses in Greenwich Hospital, and a thorough investigation of the several causes, in order to prevent them for the future, I thought it my duty to tell the truth, and the whole truth, or that I should otherwise betray the cause which I meant to support. If I have erred, it has been on the side of a very sincere zeal; and if I have been imprudent, it has been principally at my own hazard; but I can solemnly assure you, Gentlemen, that I had not the smallest personal interest or view in any of the complaints which I have laid be-

fore the General Court; and that there are none of them but what I thought it my indispensable duty to make, in behalf of a body of men who have deserved well of their country.

"I have the honour to be, with great respect,

"My Lords and Gentlemen,

"Your most obedient and

"most humble servant,

"THOMAS BAILLIE."

"P. S. I must now beg leave earnestly to repeat my former application, to be furnished, by order of the Court, not only with copies of the several charges retorted upon me, by the Directors of the Hospital, and by the several Officers of the House, and of the Clerks, Turncock, Labourers, &c. who have been urged to sign complaints against me, to the Board of Admiralty, and to the General Court; and likewise that you will order me to be furnished with copies of all such letters to the Directors, from several Officers of the Infirmary, complaining of the defective state of the wood work in their apartments; and also copies of all such Minutes or Proceedings of the Directors, as myself or Council may think necessary for my defence, in his Majesty's Court of King's-Bench, which I trust will not be refused me; especially as the contracting butcher was furnished by the Hospital with all such papers as were thought by him and his Council to be necessary to strengthen his defence against the Hospital, in the action brought against him, in the Court of King's-Bench, for the several breaches of his contract, in supplying the poor pensioners with the flesh of bulls and bull itags, instead of good fat ox beef, agreeable to contract.

"Royal Hospital for Seamen, at } THOMAS BAILLIE."
Greenwich, 12th Aug. 1779."

Q. Who do you refer to, in that account, that struck the Officer?

A. The Clerk of the Works.

Q. What is the name of the Boatswain that is turned out?

A. Boatswain Gough; it does not appear in the Minutes of the House, that he was turned out for that offence; but that was the ground of his dismissal, though he had never been complained of in the course of eight years before.

Q. Who did you refer to, that struck the Officer? And what is his name?

A. Mr. Mylne, the Clerk of the Works; I believe it was because he gave a favourable evidence on my account. Mr. Morgan said his evidence was a libel. I have in my hand the declaration of Lieutenant Lefevre, which he signed on his death-bed, that was refused to be read by the Committee. I beg to observe, that the present Lieutenant-Governor took a very active part in complaining against me, though he had not seen the printed Case beforehand, except for a short time. Whenever I produced a witness before the Committee of Directors, the Council books were searched, to look into their characters for a number of years back, before they were permitted to give evidence. I must beg leave to observe, I had all the depositions in my hand that were prepared for my defence, in the Court of King's Bench, I tendered them to the General Court; they were refused, and the answer was, they were not come to hear evidence upon oath, but to receive the report of the Committee; and many papers which I had applied for, to the General Court and Board of Directors, were refused to me; though the contracting butcher was furnished with every thing he thought necessary for his defence, in the action instituted against him for fraud.

Q. Whether you was ever called upon, by that Committee of Directors, to prove your book?

A. There is a letter on your Lordships table, which I wrote to the Committee of Directors, as they were to investigate the grounds of the several complaints made by me, that I might be permitted to prove them, in the order in which they were in the printed case.

Q. Did

Q. Did you desire to prove your book before that Committee?

A. I desired to prove the Case, from the beginning to the end, before the Committee.

Q. Did they grant that request?

A. They did not; for my witnesses were refused to be heard; where they thought there was matter to be collected for the King's Bench, they were inclined to go on, they seemed to regard nothing else.

Q. You was prevented in proving the grounds of your complaint, by that Committee?

A. In a variety of instances.

Q. Did you desire to call witnesses that were refused?

A. Yes, Mr. Charles Lefevre; when he was called into the room, the Rev. Mr. Cooke was frightened; he thought he was at sea; he started up, objected to his evidence, and Mr. Lefevre was ordered out of the room.

Q. Who was Chairman at that time?

A. Mr. Barker; it was the last day of the enquiry.

Q. You was not suffered to produce him as a witness?

A. I was not; and his father's declaration on his death-bed was refused to be heard. Captain Allwright carried it a second time, and it was refused. There were a number of blind men ready to give evidence; it was said the labouring men wore out their shoes and stockings at hard labour; I thought the blind men proper evidences, as there could not be that objection to them; they attended seven days, their evidence was at last refused.

Q. You offered to call them, and they were refused?

A. Yes; in a variety of instances, Boatswain Gough's was also refused; the whole was conducted as Mr. Morgan thought proper. Mr. Cust told me I should be heard when he had done; but the witnesses were never heard.

Q. Mr. Cust told you, as Chairman, that you should be heard when Mr. Morgan was done?

A. Yes.

Q. Did you remind the Court of his promise?

A. Yes; there was not the least attention paid to it.

Q. When the enquiry commenced, did you lead it, to prove your case? Or did Mr. Morgan begin it with any thing else?

A. Mr. Morgan had it prepared and drawn out into a book, and went on as he pleased; sometimes he opened my case at the beginning, sometimes the middle, and where he pleased. I asked who he was? They said a Counsellor, brought down there to lead the enquiry and direct it.

Q. Who told you so?

A. Mr. Cust said so; nobody contradicted it.

Q. You objected to it?

A. Yes; there was a Gentleman at my house; I desired he might be present, which was granted; but this man at my elbow, the Short-hand writer, came down to take Minutes; he was turned out.

Q. Did the Court call first upon you, or Mr. Morgan, to examine the witnesses?

A. They would read a passage, and say to me, Prove that.

Q. When a witness was called, who was first to examine him, you or Mr. Morgan?

A. There was nothing but a scene of confusion; when I asked a question it was generally objected to.

Q. When a witness was called, was Mr. Morgan called upon first to examine that witness, or you?

A. I cannot say as to that.

Q. Was your book regularly read through?

A. Not a word of it; only such passages as they thought fit to pitch upon.

Q. I desire to ask, if he recollects, what reasons were given for turning Lefevre out of the room?

A. I know of no other reason than that the Rev. Mr. Cooke got up and objected to his evidence; he

said he had been under examination before, and he was not to be admitted afterwards; though, on a similar case, Mr. Mylne produced a witness, a Mr. Adams, who gave evidence, though, I believe, he had never seen the Infirmary before; he said he could not attend another day, and his evidence was admitted on several points.

Q. Had Lefevre been examined before?

A. He had not been examined, he having been at sea; he was very abruptly turned out of the room.

Q. You said Mr. Cooke went about the Hospital encouraging people to sign complaints against you; how do you know that?

A. I was told so by some of the people that refused to sign it.

Q. You said a Mr. Morgan, a lawyer, was employed against you?

A. Yes.

Q. Had you any lawyer?

A. No; nor I was informed of their intention.

Q. Who was that gentleman that was at your house?

A. A Clerk in the Stamp Office.

Q. He never practised the law.

A. No; I believe not.

Q. How do you know that Captain Maplesden had never read your book, when he signed the paper?

A. There were very few delivered out; I believe the Case that was produced at the Council of Greenwich Hospital, was the very Case I delivered to Lord Sandwich; Captain Maplesden produced it; I believe the Reverend Mr. Cooke gave it to him; how he, Mr. Cooke, came by it I cannot tell. Maplesden took it from under his coat, and said it was a book lately published by the Lieutenant-Governor; I was surprised to see, unknown to me, that a full Council of the Officers of the House had been got together, and Captain Maplesden attempted to select passages out of my book that were obnoxious to the Officers of Greenwich Hospital; but he could not.

Q. How do you know that Captain Maplesden had not seen the book but a few minutes before he signed the paper?

A. I believe so, because he could not pitch upon a passage obnoxious to the Naval Officers of that Hospital; after that Mr. Cooke took it, and he could not find a passage; then Mr. Godby took it, and pitched upon a passage about removing a sink at his door.

Q. You have said that several persons were stirred up against you, how do you know that?

A. From what the people told me.

Q. You said that the Boatswain was turned out for not pulling his hat off to the Reverend Mr. Cooke?

A. I said I verily believed, that that was the man's offence.

Q. What reason have you to believe that? You said that was the only reason of his being turned out, what did you ground your judgment upon?

A. I know this man was several days waiting to give evidence; I attempted to get him in, Mr. Cooke saw him there; he would not be turned away from giving evidence; as he was waiting, he asked a brother Boatswain why he pulled his hat off so often to Mr. Cooke, and said, "I pulled my hat off at first, and I don't chuse to repeat it;" upon that this man was complained of by Mr. Cooke, to Captain Chads, and he put him on the Complaint-book. He came to me and told his story; I advised the man to go to Mr. Cooke, and ask his pardon for any offence he had given him; he said no, he would not forgive him, he should be tried by the Council of the House. I believe that intimidated the pensioners very much; the Committee were then sitting.

Q. Was the complaint for not pulling his hat off?

A. That is not the complaint put down, but that is the ground of it.

Y

Q. Have

Q. Have you heard any other complaint?

A. Only I believe for not paying proper respect to the Reverend Mr. Cooke. There is not a more respectable character of a seaman in Greenwich Hospital, or in England, than this poor man.

Q. You say there was encouragement given or offered to persons that would sign a paper against you; how do you know that?

A. I know that Mr. Cooke went about telling the Officers, that the book was obnoxious to my Lord Sandwich and the Directors.

Q. That is not an answer to the question; you said, in your evidence, that encouragements were given to the people that would sign a paper against you; I want to know how you know that?

A. The Reverend Mr. Cooke went to Lieutenant Gordon, and said, here is a letter abusing Lord Sandwich; the man himself told me of it.

Q. That is not evidence?

A. I cannot have other evidence; Mr. Cooke would not tell me that himself.

Q. I want to confine yourself to things of your own knowledge.

A. I can tell your Lordships one very strong instance of preferment which has been given since, and probably might have been offered before; there is one Cook, (not the Reverend Mr. Cooke) Clerk to the late Committee; that man, since this, (for his good services upon that occasion, I cannot conceive it was for any thing else) his son, who had been at sea two years and an half, or three years at most, upon coming home he was made a Lieutenant.

Q. *Lord Sandwich.* Does Captain Baillie say this man had been but three years at sea, and was made a Lieutenant; what is his name?

A. Cook.

Q. Had he been but three years at sea?

A. He was at School in Greenwich; he might be put on the books of a yacht, but that is not actually being at sea, nor is he above 17 years of age, though the instructions say they shall be 20 years of age. My Lords, there are other instances of favours granted to people who complained against me.

Q. How do you know that this man, being made a Lieutenant, was as a gratification to Cook for his services in this affair of the Hospital?

A. Because I verily believe no such irregular appointment would otherwise have taken place.

Q. How do you know that this was an irregular appointment?

A. Because in 40 years service, I never knew an instance before of a person who had been only three years actually at sea being appointed to a Lieutenancy; besides, he is not above 17 years of age, and he ought to be 20; he is but 17 or 18 at the outside. I beg to say, I am now upon my oath, I don't wish to conceal one circumstance of my conduct in Greenwich Hospital.

[Captain Baillie withdrew.]

Mr. COWLEY called in.

Q. I beg to know what employment you are in?

A. I am Clerk to the Stamp Office.

Q. What trade are you?

A. I am a Stationer.

Q. Was you ever bred to the law?

A. I never was at the bar; I had never any kind of knowledge of the law but what was accidental.

Q. Inform the House whether you attended the Committee of Enquiry at Greenwich Hospital, that were to enquire into Captain Baillie's complaint?

A. I did.

Q. What day?

A. It is so great a distance of time I cannot remember the dates; I have Minutes I can refresh my memory with (*looks at his Minutes*), it was the 18th of April, 1778.

Q. Was that the first day the Committee met?

A. It was the first day.

Q. Give an account of the proceedings of that Committee.

A. They are exceeding voluminous; I could be glad to answer any pointed question.

Q. Did the Committee first call upon Captain Baillie to make good the charges in his book?

A. At the first opening of the Committee, there were very long and disagreeable altercations; there was a deal of personal animosity to Captain Baillie; the matter was very much disputed in what manner they should go on; Captain Baillie produced a letter, and read, directing in what manner he thought they should proceed; and it was proposed to the Committee, either to take the case fairly from the beginning to the end, or to take that letter, in which I believe there were eighteen charges drawn up. The Chairman said, we will direct the enquiry in what manner we think proper, and desired Mr. Morgan to go on; Mr. Morgan produced a number of charges.

Q. Did they determine that they would proceed in either of those ways?

A. The only answer we had was, we will not take direction from you, we will conduct it in what manner we think proper; any thing proposed by Captain Baillie was immediately rejected.

Q. Who began the enquiry?

A. Mr. Morgan.

Q. What did they begin with?

A. The first enquiry was under a number of charges Mr. Morgan had strung together, which he called charges against the Surveyor. Mr. Morgan called himself Counsel there, in consequence of a number of complaints made at the Admiralty against Captain Baillie; that the complaints at the Admiralty were the ground of the proceedings.

Q. When Mr. Morgan said he had collected charges against Captain Baillie, were any copies of those charges delivered to Captain Baillie?

A. No; he did afterwards let the names of the persons be taken down. Copies of the complaints against Captain Baillie were frequently requested by Captain Baillie, but always refused.

Q. Did they proceed on Captain Baillie's complaints as conducted by himself, or on complaints against Captain Baillie, or Captain Baillie's complaints taken and conducted by Mr. Morgan?

A. There were continual disputes with Mr. Morgan and Captain Baillie on the manner in which he carried it on; he collected those passages he thought most advantageous to his clients; they were generally those aggravating expressions that they thought might found an action in the King's Bench; the question, whether the pensioners were well fed, or whether landmen were there, was no part of the enquiry at all.

Q. The first thing they called a charge against the Surveyor; did Mr. Morgan state what that charge was?

A. No; he turned, as far as my memory goes, to page 9, and said, prove that; Captain Baillie said, 'I did not know what you was going to enquire on, if you will permit me either to follow the order of the book, or the letter which he had drawn up by the advice of Counsel; in that case he would take care the witnesses should be ready when called upon, but that it was impossible for him to be provided for what Mr. Morgan might ask him;' and wherever we were pretty well prepared, that was not called for?

Q. Did that irregularity continue?

A. Yes, it increased at the conclusion. The evidence in a great variety of cases was refused; the first instance was the business of the Infirmary. Captain Baillie was astonished that they should dispute the account of the Infirmary. I believe the Officers of the Infirmary had made complaints of their apartments; Mr. Mylne acknowledged he had those letters in his pocket; Captain Baillie desired those letters might be produced; Mr. Morgan said, I won't suffer my clients to produce evidence against themselves;

selves; the matter was pressed for the Committee to visit the Infirmary?

Q. Did the Committee refuse to see the Infirmary?

A. Yes.

Q. How far is the Infirmary from where they sat?

A. About a hundred yards; Mr. Mylne acknowledged he had the letters in his pocket of the complaints of the officers; Captain Baillie desired him to produce them, Mr. Mylne would not admit it.

Q. Did Mr. Morgan call Mr. Mylne his client?

A. Yes, he did; all the persons that complained against Captain Baillie were his clients.

Q. Who was the Chairman of the Committee?

A. Mr. Cust the first six days, Mr. Barker the last day.

Q. Was he present at any of the other meetings?

A. Only one of the meetings; I believe the third.

Q. At the last meeting, what was determined?

A. Nothing determined; there was a scene of confusion and altercation.

Q. Did he, at the last meeting, refuse to hear the evidence Captain Baillie produced?

A. Almost in every instance; one was the blind men, who had been affected by the removal of some posts and rails round the Hospital, by which they were liable to many accidents; he desired they might be called in; Mr. Barker would not let them; he said it was of no kind of consequence.

Q. Were all the Members of the Committee Directors of the Hospital?

A. As far as I understood.

Q. Who attended on the first day?

A. Mr. Cust, Mr. Wells, Mr. Savary, and Mr. Reynolds. On the second day, I believe, the same Members were present. On the third day, Mr. Cust, Mr. Barker, and Mr. Reynolds; that was the day on which Mr. Barker attended, I believe, rather more than an hour; he came in late. On the fourth day, Mr. Cust, Mr. Wells, and Mr. James, the latter of whom attended then for the first time. On the fifth day, Mr. Cust, Sir Merrick Burrell, Mr. James, and Mr. Reynolds; Captain Baillie seemed to suffer a great loss in the want of the attendance of Sir Merrick Burrell. The sixth meeting, Mr. Cust, Mr. Wells, and Mr. Reynolds. The seventh meeting, Mr. Barker, Mr. James, and Mr. Wells; but no one Member attended the whole seven meetings.

Q. Do you speak that with certainty?

A. Yes; Mr. Cust was present at six, not at the seventh.

Q. Did Captain Baillie approve of the mode of the Directors enquiring into their own conduct?

A. It was the constant matter of dispute; he said their enquiry was as improper as their conduct.

Q. Did they enquire whether landmen were appointed contrary to the Charter?

A. That was a subject of altercation; Mr. Cust said it was not a subject referred to them, and they would not enquire into it. Captain Baillie urged that it was the chief matter of complaint, and that if the landmen were removed, that would, he thought, remedy all the other complaints; and as they would not enquire into that, he took up his hat, and was going out of the room, but did not go.

Q. Whether they made an enquiry whether the landmen were appointed contrary to the Charter?

A. After about an hour's altercation, when Captain Baillie insisted on the point as a material object of the enquiry by the Committee, Mr. Cust in particular said, that it did not appear that it was any matter referred to them; though it was proper for the consideration of Parliament, it was none of their business; it was very much urged, that it was a charge in Captain Baillie's book, and they ought to have enquired into the ground of it.

Q. Whether there was any enquiry concerning Wards taken from the pensioners to convert into lodgings for landmen.

A. It came in only collaterally; the Committee did view the gallery in Mr. Ibbetson's apartments, to see how far Mr. Ibbetson had gained of the gallery; on viewing the gallery and reading the Case, I thought it was as it is described in Captain Baillie's book.

Q. Did the Committee enquire into the particulars of taking off the Wards as described in the book?

A. They were frequently mentioned collaterally; there was no enquiry into it.

Q. Did they enquire respecting the bull beef?

A. It was mentioned; I understood that all the facts respecting the bull beef were admitted.

Q. Did they enquire into the conduct of the Steward and the Clerk of the Cheque, in receiving the bull beef?

A. They said that the Steward and Clerk of the Cheque said it was good beef, and seemed to say the charge was not true; I can read the facts at length as taken at the time of the Committee; we sat down while it was fresh in our memory, and took the facts down in order to assist Captain Baillie's Counsel; if the House wish it, I can read that or any other parts from the Minutes.

Q. Was it stated that it was the duty of the Steward and Clerk of the Cheque to take care that bull beef was not delivered; was it enquired whether they were to blame or not in not attending to that?

A. Captain Baillie urged the fact; the Clerks seemed to urge, that if it was true, they had been deceived.

Q. Was there any enquiry into their conduct?

A. Into the Steward's conduct there was, pretty warmly.

Q. As to Captain Baillie's complaints?

A. Complaints that Mr. Morgan thought proper; Captain Baillie and I were passive, as Mr. Cust allowed, after Mr. Morgan had gone through his points, we should be at liberty to take it up.

Q. Was there any enquiry into the conduct of the Clerk of the Cheque and Steward why they suffered bull beef so long to be imposed upon the men?

A. There were a great many questions of that sort; I can turn to it in the Minutes.

Mr. Cowley, the Witness, reads as follows:

The paragraph at the bottom of page 53, in the printed Case, viz. "The Case is now greatly altered; and though almost every necessity has been for several years growing worse, it was not till the appointment of the late and present Steward, that the grievances arrived at such a height, which makes any longer acquiescence under fraud and imposition impossible."

Mr. Morgan then desired the Lieutenant-Governor to prove this general charge, who said he would prove it by a number of facts, and that if the Committee would call in any of the pensioners, they would all say the same thing; to which Mr. Morgan said, that particular instances did not prove a general charge; and Mr. Cust said the pensioners would say any thing they were bid.

It was therefore determined, that there was no proof of the general charge.

The charge in page 56, was then read, and Captain Allwright called in, to whom it was also read; he said that he was the Captain of the Week there mentioned; that he had observed the meat to be bad, and proceeded, as stated in the Case. That when the Steward first refused to consent to a survey on the meat, Godby said that there should be no survey, as he did not send for the Captain of the Week. This idea of the Steward's, and the whole matter on which it was grounded, Captain Allwright said had been the cause of many disagreeable disputes in the Hospital; that there was a clause in the contract, in which it was agreed, that if the Steward thought any meat delivered was not agreeable to the terms of the contract,

contract, he should send to the Captain and Lieutenant of the Week, that a survey should be taken by them and the Clerk of the Cheque, and on due examination, the meat rejected; but the Steward, who probably read nothing but his contracts and accounts, did not seem to know that none of the parties who made these contracts had any authority over the Naval Officers of the establishment, and that they certainly could not place them under the command of the Steward, or entitle him to send for them whenever he thought proper. That the Naval Officers were ordered by their Commission and instructions to attend to complaints of the pensioners, and that they are to apply the proper remedy on the spot without delay; or if this is not in their power, or the power of the Council of the House, they are to lay the same before the Lords of the Admiralty, having nothing whatever to do with the Board of Directors.

Q. Whether there was any enquiry made into the conduct of the Officers of the House why they suffered this abuse to subsist so long a time?

A. One of the Master Cooks of the Hospital (not Moore) said that the meat when it was objected to was better than what was usually bought in the markets; the general impression on my mind, as far as I recollect at this distance of time, was, that the Clerks of the Steward and Cheque seemed to dispute every thing said of the meat, and insisted it was better than what could be bought in the town; but in general the Clerks seemed to be of one opinion, the Naval Officers of another; the Clerks said it was good, the Naval Officers said it was bad.

Q. Was the contract renewed with the same Contractor?

A. It was; they said his being convicted of fraud was no reason why he should not be dealt with again.

Q. Did they enquire whether there was bad and four small beer mixed with water, turned into the pensioners dining-room for their use?

A. There was no particular enquiry; the facts in the printed Case were mostly admitted to be true; they were in full as strong terms in the Minutes of the Hospital as in the printed Case; they allowed the facts were true, only they were carried too far.

Q. Was there any enquiry whether bad shoes and stockings were delivered to the pensioners?

A. There was a good deal of enquiry into the linen, but no evidence, I believe, on the shoes and stockings; the facts respecting the linen were admitted to be true, though much aggravated; it appeared to me to be the most fraudulent business that ever was, a scandalous fraud of many thousand yards of linen.

Q. Was there any decision of the Court that that charge was well founded?

A. The Court always ordered us to withdraw, when they came to any resolution; nor would they read it afterwards; every thing, I found, almost was denied; and the facts that were proved, were said not to be proved?

Q. Did Captain Baillie desire the witnesses to be called in?

A. Yes.

Q. Did they receive the report of the persons that measured the linen?

A. I believe I could venture to say, that they were not admitted or paid any attention to.

Q. Did Captain Baillie desire the Committee to examine the sheets and shirts in the wards?

A. A good deal was said of that; Captain Baillie, after having examined the sheets and shirts, said it might be supposed that he had been culling the shirts and sheets; go and examine the wards, go into any of the wards of the Hospital, I don't care where it is, you may have an opportunity of examining the shirts on the pensioners backs.

Q. Was there any enquiry about the washing of the linen?

A. There was a good deal mentioned about washing the linen; that was the day Sir Merrick Burrell was there; it was very fairly enquired into upon the whole; the Nurses were produced; Mr. Morgan, whenever we produced evidence, would not permit Captain Baillie to go on, but somebody was to controvert that evidence; but, upon the whole, it was proved, by the evidence of three or four Nurses, and by the evidence of some of the pensioners, that the linen was in a shocking state, some of it mere filth, such as no man could put on.

Q. Was there any enquiry about the sink complained of as a nuisance?

A. There was no enquiry upon it; it was often mentioned; Captain Baillie said the evidences had been waiting several days; but it was constantly refused or evaded; and they were never heard during the seven days. It was on that account Boatwain Gough waited, when he incurred the offence on which he was turned out.

Q. Was there any enquiry into the state of the Infirmary?

A. Except the evidence of Mr. Mylne himself, I believe there was no other evidence; the letters were refused; I examined the Infirmary; I thought it was in a worse state than the printed Case represents; the windows were falling in; the appearance was so remarkable, it must strike any body that went into it; some of the sills of the windows, two or three, were quite rotten.

Q. Did you attend in the Court of King's-Bench?

A. I was present.

Q. What was done with the rule? What was the determination of the Court?

A. I understood the rule was dismissed with costs. I understand nothing of the matter technically.

Q. Was there any enquiry about removing of the posts and rails round the Hospital?

A. No; that was one of the points not enquired into; there was a great deal of altercation about it; but it was refused; Captain Baillie desired the witnesses to go away; he said there was no justice for them; they might break their necks, or legs, or any thing; they would not have redress there; he desired the pensioners to be peaceable.

Q. Was there any enquiry respecting the Directors having summoned a Captain of the house before them?

A. That was an admitted fact; but there was no enquiry, as I recollect.

Q. Was there any enquiry into the Directors conduct, in giving to a thousand men money in lieu of provisions?

A. That was not enquired into.

Q. Did Mr. Cust promise that that should be enquired into?

A. He desired that they might go through what they were about, and that any thing that Captain Baillie desired should be enquired into afterwards; but that promise, and all the hopes we had about it, came to nothing.

Q. Did the Committee make any enquiry into the danger of fire in the Taylors shop over the Chapel?

A. No; Captain Baillie mentioned it, and desired they would enquire into that business; but his chief concern about the danger of fire was a new chimney in Mr. Ibbetson's apartment.

Q. Did Captain Baillie desire to enquire into that? Is it stated in the book?

A. Yes.

Q. Did they enquire into it?

A. No.

Q. When Mr. Cust made the declaration, that every thing should be enquired into that Captain Baillie desired, was it in conversation, or as sitting in the chair?

A. There were some gowns shewn to Mr. Cust, and the difference was so striking, that Mr. Cust seemed

seemed hurt at it, and seemed to say, if there were things of that sort, it was right they should enquire into it; and said, as soon as Mr. Morgan had finished his charges, every thing should be enquired into?

Q. Was the Court sitting then?

A. He mentioned it first when there was nobody, I believe, there but himself; but I think he repeated it frequently afterwards; we were glad of the promise, and wished to clinch it.

Q. Can you turn to your Minutes to establish that fact; whether he did say it while the Committee were sitting?

A. It was on the sixth day, previous to the meeting of the Committee, that the gowns were shewn to Mr. Cust, and a cloak made out of their old gowns.

Q. Can you turn to your Minutes, to see whether that promise was made during the sitting of the Committee?

A. If I could find it, it would be by reading a great deal; it presses on my mind that he did repeat the promise.

Q. Was there any enquiry made respecting the government of the boys and their guardians?

A. It is difficult to answer these questions, the matter came in so collaterally; Mr. Ibbetson had been the means of turning out the guardian of the boys, as Captain Baillie suggested, because of his huzzaing under his window; the guardian of the boys was not called; the matter was not enquired into.

Q. Was there any charge enquired into, that the Barber, and Clerk of the Council, the Porter, and one of the Cook's Mates, made sinecures of their respective offices?

A. It was no part of the regular enquiry; it was admitted that the Barber had not attended many years.

Q. Was Lefevre's evidence heard or received by the Committee?

A. When Lefevre entered the room, Mr. Barker asked who he was; he said he was called to give evidence; the Lieutenant-Governor desired the evidence might be heard. Mr. Cooke said he, (meaning himself) had been under examination several hours, and he could not be heard; and he was ordered out of the room. Captain Allwright was called in; Mr. Barker asked him what he came there for; he said he supposed to prove the truth of a paper delivered to him by Captain Baillie; and he was turned out of the Committee in an abrupt manner; Mr. Barker said it had been objected to before, and he would hear no more about it.

Q. Did the Committee enquire whether the Chaplains acquired the Chaplaincies by granting annuities, or by being sea Officers?

A. Mr. Morgan, I believe, delivered a message from Lord Sandwich, that the Committee would not attend to any matter that immediately respected him; that he would take care of it himself; I cannot charge my memory with the words; that was the substance of the message: Lord Sandwich requested that the Committee would not attend to any part that might affect him; he would take care of himself.

Q. Lord Sandwich. Did he say he brought that message from me?

A. I understood so, from his words; I believe that is the purport of the words.

Q. Have you made any Minute or Memorandum of that?

A. Certainly, it is here; I believe it was the second day, I am not very certain of that; if it will save time, I will apply to Mr. Morgan; I dare say he will acknowledge the message.

Q. Is it in the affidavit of the Court of King's Bench stating what passed from day to day?

A. There is but a small part in that affidavit; I drew the affidavit up in a hurry, and had not time to put down every thing that passed.

Reads his Minutes as follows.

"The case was then opened, at page 11, in the first paragraph of the charge against the Chaplain, in which it is said, that Mr. Cooke had bargained and paid money for a seat at the Board of Directors; Mr. Morgan said, that he was instructed to acquaint the Directors, that Lord Sandwich would take care of all those parts which concerned himself, and therefore desired the Committee to pass over them."

I could mention, in answer to the general question respecting what passed, the manner in which the standard measure of the linen arose, quite in a different way from what has been represented since. At the meeting, when Sir Merrick Burrell was present, when the business of the linen was investigated, Mr. Godby, the Steward, seemed to controvert, that there was no standard for the linen, though he had said before, the standard was three yards and an half for a shirt, and five yards for a sheet; in consequence of that, a general order was given by Captain Baillie, throughout the Hospital, for the Boatwains to measure the sheets and shirts, which they accordingly did measure; they were not, I find, very accurate, for they did not allow thumbs; notwithstanding which, some of the shirts had only three yards; and there were a great many thousand yards deficient upon shirts and sheets, taking Mr. Godby's declaration, that there was a standard. Mr. Godby stated that he had since discovered, at the last meeting, one hundred and forty-five yards deficient; he stated it, I think, as an accidental deficiency; but how will one hundred and forty-five yards account for several thousand yards? Upon that general ground, Captain Baillie, as I took the liberty to advise him, made a positive charge of fraud, and desired the Directors to cause an immediate examination into the state of the linen, as it then stood; but they did not then make an examination.

The manner in which the Minutes concluded may attract the attention of your Lordships; the whole will give your Lordships the strongest impression how the business was conducted; the last day, I confess, was most the object of attention and complaint, respecting Captain Baillie.

Mr. Cowley reads, by order of the House, his Minutes, as follows.

It being now near eleven o'clock, Mr. James (who had been expected with great impatience some time) coming in, the Committee was opened, and consisted of

Mr. Barker, Chairman,
Mr. James,
Mr. Wells.

There was never perhaps more pains taken to maintain the dignity of any Chair, than was taken by Mr. Barker on this occasion; he was almost continually speaking himself, and was always in a violent passion, if any thing happened to interrupt him; he seemed sometimes not to be inclined to distinguish his friends; and Mr. Morgan, who had been treated with great deference and attention by Mr. Cust, was frequently reprehended by Mr. Barker, in a very rude stile; and when told that he asked his pardon, replied, "That was not sufficient." Mr. Barker repeated, numberless times, that all that was complained of had been done and approved of by three and twenty Gentlemen; and it was a great and strange piece of impudence and presumption for the Lieutenant-Governor, who was only one man, to oppose the opinion of so many; and, on all the subsequent matters, would hear nothing further than that they had been approved of by the Directors. It was in vain that he was told, the Lieutenant-Governor considered himself as bound by his integrity, as an honest man and an Officer, to make good the several charges, which he had deliberately laid before the General Court; and that he was now ready, notwithstanding the prejudice and passion with which he was treated, to produce authentic evidence of facts, the nature of which could

not be controverted, whatever sanction they might have received from the approbation of those Directors, who usually attended the business of the Hospital, most of whom were not in independent situations; that it was too late now to pay compliments to any man; that he had taken up the complaints of the pensioners, which really existed; and was ready to stand or fall by the proof, before any legal or impartial tribunal—neither of which titles the Committee had the smallest pretensions to.

Nothing, however, could interrupt Mr. Barker in his career; and, compared with him, Mr. Cust was a Gentleman and a man of business, though a more dangerous opponent than the present Chairman.

He now ordered the Minutes of the last Committee to be read; without which, he said, they were no Committee. The Clerk then read only the evidence which had been given under the head of Mr. Mylne, at the conclusion of the last Committee; wherein, among several other omissions, were the *question* and *answer* of Mr. Skeene, the Butler's Mate, "What ship he had served in?" To which he said, "That he had never been at sea." The Lieutenant-Governor asked the Clerk, why he had omitted this? He said, "that he put down nothing but what he was ordered by the Chairman." Mr. Barker echoed, to be sure, and over-ruled all farther argument about it. All Mr. Mylne's opinions were taken down, very circumstantially, particularly where he denied the authority of the Naval Officers.

Folio 39 of the printed Case was then read, concerning the cows kept in the Store-yard, by the Clerk of the Works, "That it was preparing for a garden, and another Store-yard built.

Mr. Mylne again seated himself at the table with the Committee. To this the Lieutenant-Governor objected, and told the Committee, that the insults he had received from the Clerk of the Works were so gross, that he ought not to sit at the same table with him. After some altercation, in which Mr. Mylne behaved more calmly than the preceding day, the Committee determined he should sit where he was; though Mr. Godby, and others, had sat at the other table, and stood whilst they spoke. The Lieutenant-Governor told the Committee, that he was satisfied with having made the objection; that he had already received much unworthy treatment, which he expected would be continued; and believed that Mr. Mylne would find still more favour for having insulted him.

My Lords, When there was an attempt to prove any thing, it was asked if it had been approved of by the Directors; if it was said yes, Mr. Barker then said, I will hear no evidence of it; when evidence was attempted to be produced, he said it was frivolous, and they were ordered out of the room. If Captain Baillie attempted to say any thing, it was generally objected to. Captain Baillie was desired to withdraw, and the proceedings of the Committee finished in a hasty confused manner.

Q. Have you taken any Minutes concerning the conclusion of the Committee?

A. I have.

Q. I desire you will refer to them?

Reads his Minutes.

An altercation ensued, in consequence of Mr. Barker's telling him, the witness, that he was very impudent in interfering or speaking on the subject; in answer to which, it was said that he had accidentally appeared in this business, in consequence of Mr. Morgan's appearing before the Committee, without any notice being given to the Lieutenant-Governor; that if the Committee meant to support the least appearance of fairness in the proceedings, they must admit, that he had the same right to debate every stage of this business as Mr. Morgan had; that Mr. Morgan had carried the privileges of a Counsel to a very extraordinary length in several instances. On the contrary, that he, as an assistant to the Lieutenant-Governor, had frequently been desired to speak

to many points, as he had always confined himself to the subject within the bounds prescribed by the Committee, and that he had been heard by Mr. Cust in all the former Committees, and that Sir Merrick Burrell, on the day in which he was present, had frequently desired that he might be heard; and that in his present situation, he certainly ought to be allowed to speak on the several subjects before the Committee, without being insulted by the Chairman. The Chairman and Mr. Wells then told him, they would hear him no further, and that he must retire.

The Lieutenant-Governor then told them, that if they would not allow him a person as an assistant, and also to take notes, and be a witness of what passed, he must retire also; the Committee, who had frequently expressed a desire to proceed without the Lieutenant-Governor, seized on this opportunity with great readiness, and told him, that he also must retire, and they both retired accordingly.

Two large flasks were then ordered out of the room by the Lieutenant-Governor, containing sundry necessities, which the Committee could not be prevailed upon to inspect, consisting of sheets, shirts, pillow-cases, towels, shoes and stockings, all of which were greatly deficient in quantity or quality, and had been delivered to him by the nurses and pensioners in the different wards of the Hospital; and also specimens of some articles which had been delivered since the sitting of the Committee, which were much superior to those which had been delivered before, particularly the stockings and pillow-cases, the last of which were near twice the size. It was now near two o'clock, and the carriages had been ordered at that hour; there was no appearance when the Lieutenant-Governor left the Committee-room, that any further business would be done on that day. But he was afterwards informed, that the Officers of the Council, who had all retired on the order of the Chairman, were sent for again; the enquiry resumed, and their evidence taken against him in his absence.

As Mr. Wells drove off in his carriage, the Lieutenant-Governor, who was walking in the square, asked him if the Committee were to have any more meetings? he said, they were to meet on Tuesday next for the last time, to enquire into the charges against the Directors, but that they should want no body but themselves.

Thus the Committee finished their enquiry in the same irregular, arbitrary and illegal manner, as they had begun and conducted it. Mr. Morgan was, in the beginning, permitted to pull the whole Case in pieces, and put it together in what manner he thought proper, under the head of charges against particular persons, all of whom he called his clients, and by this manoeuvre, defeated every purpose of fair and impartial enquiry.

It was hardly possible to urge any thing in what he or the Committee would allow to be the proper time, if it did not strictly relate to the Case as Mr. Morgan had classed it, so that the Lieutenant-Governor was not to prove his own Case, but Mr. Morgan's.

Mr. Cust had, on a great many occasions, promised that the several things which should not appear to have been enquired into, when Mr. Morgan had gone through the several charges, under the head of particular persons, should be enquired into under the general head of charges against the Directors; and he had particularly promised, that the complaint of the nurses' gowns should be heard, though not charged in the Case; but as the enquiry is now to be finished in his absence, all these promises are dexterously got rid of.

Q. Whether Captain Baillie reminded the Committee the last day of Mr. Cust's promise, that he should be heard at full length?

A. It was repeatedly mentioned; the facts seemed to make impressions on Mr. Cust's mind; we were in hopes he would attend to it.

Q. Was

Q. Was it admitted by any of the Committee, that such a promise had been made?

A. I don't recollect that it was admitted; it was not disputed; it might be supposed that no promise made was binding upon them.

Q. Was it admitted by any gentleman of the Committee the last day, that such a promise had been made?

A. I cannot say that it was.

Q. Was there any gentleman present the last day of the Committee, that was present when the promise was made?

A. From the general complexion of the business, I suppose Mr. Ibbetson was present, I cannot say that he was.

Q. When it was urged to Mr. Barker, did any body deny it?

A. I cannot say it was denied; I beg to refer to Mr. Cust himself, I am sure he will acknowledge it?

[Mr. Cowley withdrew.]

Mr. LEFEVRE called in.

Q. Give an account to the House, in what manner you was treated before the Committee?

A. I was called in to give my declaration; immediately on my entering the room, Mr. Barker observed something in a particular manner; I cannot remember what it was. The Reverend Mr. Cooke started up, and said, I should not be heard; Mr. Barker got up, and said, I should not be heard; we want to hear nothing you have to say, you shan't be heard.

[Mr. Lefevre withdrew.]

Captain ALLWRIGHT called in.

Q. I desire Captain Allwright may be asked, whether all his evidence was heard before the Committee of Enquiry, or any part objected to?

A. There was a question put to me by the Lieutenant-Governor, which Mr. Barker refused to hear an answer to; it was respecting the broth of the pensioners; whether I knew any persons who were not entitled to it send for it; it was refused; I asked the Committee whether I was to answer; Mr. Barker said no.

Q. Whether you, at the request of Captain Baillie, offered to carry Lieutenant Lefevre's evidence in writing, who was not able to appear?

A. I had a writing of Lefevre's delivered to me; I carried it in; the Chairman said it had been already objected to, and they could not hear it. Mr. Barker was the Chairman; Captain Baillie asked me, if it had been read; I said no; it had been objected to before, and could not be heard. Lefevre, who had been at the bar, said, I believe there is a mistake; they think it is mine, it is not, it is my father's; upon which I went in again and offered it, but was refused.

Q. Were the Officers of the Council examined before Captain Baillie, or behind his back?

A. I believe after he was withdrawn. I was sent for, and I and most of the Officers were called and examined; Captain Baillie was not present.

Q. You was examined?

A. I answered some questions.

Q. Was you present when any of the others were examined?

A. Yes.

Q. Was there any examination?

A. Yes; some kind of examination questions were put.

Q. Did you sign any complaint against Captain Baillie?

A. No.

Q. Did they read any complaint against Captain Baillie?

A. No.

Q. Was there any application to sign a paper against Captain Baillie?

A. At the Council, when the paper was brought, it was put, whether it should be read; I said I thought the Council had nothing to do with it; I wished to have nothing to do with it; I wished to go to the General Court; the printed Case was produced by Captain Maplesden. After the business of the Hospital was over, Captain Baillie said, I believe the business is over, let them ask if any body else wants the Council; that was published at the door; somebody said to Captain Maplesden, have you nothing to offer?

Q. Who was that somebody?

A. I don't remember; Captain Maplesden put his hand in his bosom and pulled out the Case, and desired it to be read; he pointed out nothing himself; it passed through the hands of Mr. Cooke and Mr. Godby; they proposed to go out and form a Committee against the Lieutenant-Governor; I said the kind of attack I had seen that day on the Lieutenant-Governor was very extraordinary, such as I had never seen before; it was very unusual; I was answered that it had been done before, a day or two ago, at Salters Hall, I believe they said; I said I dare say it was not done, I presumed not on the Chair; if they made that attack upon him, I said, I thought it would have been much more decent, if they intended to attack the Lieutenant-Governor, to desire the Governor's attendance in the Chair; they said then they would not make it an act of Council.

Q. Have you ever known any of the landmen behave ill to the Lieutenant-Governor when he was presiding in the Council?

A. The Lieutenant-Governor stated some matters to the Council to be carried to the Admiralty Board; they said it would not avail to carry it there; the Lieutenant-Governor said there were no directions in the bye-laws of the Hospital, to have recourse to the Board of Directors; that they had made several applications to that Board to have grievances redressed, which were not redressed, and he desired to lay the matters before the Admiralty; that redress, he apprehended, would be had there; but as they would not make it a matter of Council, he said he should present it himself; they said it would not be received, as it did not come properly.

Q. Do you attend the Council constantly?

A. I do not.

Q. What is your reason for not attending?

A. I have seen, in my idea, things violently carried; I think we are rather over-ruled by a body, that seemed to me an improper body to rule the Hospital.

Q. Lord Dudley. If you and the other military Officers did attend, would not you be a majority against the Civil List?

A. If we were constantly to attend, we should.

Q. When you attended the Committee with the deposition of Lefevre, was there any reason given why they rejected it?

A. That it had been presented before, and had been rejected.

Q. Could you authenticate it?

A. No, I could not.

Q. Did you not offer it yourself by way of authenticating it?

A. No.

Q. Was there any objection of that kind made?

A. No.

Q. Did you see him write it?

A. By no means; it was put into my hands by the Lieutenant-Governor.

Q. As you, as I think, declared, that your reason for not attending so often as you otherwise would have done, was it, that you were over-ruled in these Councils? I think that was what you said, or to that purpose; I should be glad to know who were those particular persons, who presided chiefly at those Boards, who over-ruled the military Officers?

A. The Council is not attended fully; it is looked upon, if the Lieutenant-Governor attends, or if there is

is a Captain there, and two Naval Officers of the House, as the Lieutenant of the Week, or the Captain of the Week, that is thought sufficient, without there is a particular business, then other people drop in; when there is particular business, the Civil Officers attend.

Q. You said you did not care to attend so often as you should have done, because you were over-ruled; who were the persons that took the principal share in the over-ruling?

A. The particular matter was a case respecting the beer; the Lieutenant-Governor was strenuous about several things that he thought were not taken that notice of he wished; he endeavoured to get it laid before the Admiralty; in that he was over-ruled. I have seen unpleasant altercations, and wished to keep from them, as far as my duty would permit.

Q. I should be glad to know who were the principal persons that were concerned in over-ruling?

Q. The junior members, in matters of that kind, when it came to a matter of division, are the Civil Officers. I have observed when that lead has been taken, the chair has been over-ruled.

[Captain Allwright withdrew.]

Mr. COWLEY called in again.

Q. Whether you could have authenticated that paper delivered in from Lefevre?

A. I attended Lefevre, who was on his death-bed; I had a good deal of conversation with Mr. Lefevre on the matter; he said he had some doubts how far he ought to go in respect to the Lieutenant-Governor on account of his own family; but he said, as he was on his death-bed, he must discharge his conscience; he said he knew Captain Baillie to be a very worthy man, and he could not withhold his testimony. I held the paper, and he signed it; it is a warm encomium on Captain Baillie and his conduct.

Q. Did you hear that any body, when Mr. Lefevre who (I understand was a Lieutenant in the Hospital) was dying, was there any body that went to persuade Mr. Lefevre to retract the opinion he had been of before?

A. No; I had some conversation with him on this paper, and he desired me to write down what he said; he signed it; it was as nearly as possible his expressions; I am fully persuaded he felt much in favour of Captain Baillie.

Q. Did he dictate the paper, and you write down what came from him?

A. I had a deal of conversation with him, to see what his mind was; I took it down after half an hour's conversation; I wrote down what I thought would please him; I read it deliberately over; he declared himself well pleased, and signed it.

Q. Was he in a very feeble state at that time?

A. Very feeble; his mind seemed very sound, but his body very much emaciated.

Q. How long did he live after that?

A. I believe a month; he was in a dying state; I believe he felt himself in a dying state.

[Mr. Cowley withdrew.]

Lieutenant SMITH called in.

Q. Give an account of what Mr. Morgan said to you, relative to your evidence before the Committee of Enquiry?

A. When I was called in, I begged to be excused speaking, and begged to refer to a paper; that indulgence was granted; upon my reading a few lines (I have the paper here), Mr. Morgan called out to me, and to the gentlemen there, I beg to stop you; I cannot suffer such a thing to go on against my client; it is a libel. Mr. Cust, Mr. Savary, and Mr. Wells, seemed to differ from him; after Mr. Morgan's objection, I was permitted to go on reading the paper. May I be permitted to read that paper?

You may.

Reads a paper, in which he had made a number of reflections concerning the disagreeable disputes and altercations which had for some years subsisted in the Hospital, which had prevented his enjoying that ease and tranquility which he expected to have found in Greenwich Hospital; that in his opinion, the appointment of the Chaplain to a seat at the Board of Directors, had been the cause of great inconvenience; and that there had, in the course of many disputes, appeared a spirit of malevolence that he was exceedingly sorry for; he wished, for private reasons, that the complaints in the Case had not been so public and general, as it would alarm many people in the Hospital; but that he could not avoid taking this opportunity of giving it as his opinion, that the Lieutenant-Governor had, on all occasions, appeared to be the poor seamen's friend; that he had always stood up for the pensioners; and that he had remedied many abuses; and believed that he had prevented others, which otherwise would have been very hard upon the men: this paper Mr. Morgan thought proper to call a libel.

[Lieutenant Smith withdrew.]

THOMAS RAPLEY, a blind pensioner, called in.

Q. I desire you will inform the House, if you attended every day during the Committee, in order to give evidence?

A. Yes; I attended every day.

Q. Have you any thing to say of any grievance you labour under?

A. Yes; the pulling down the posts and rails is a great grievance to the blind and lame; a man since has had his thigh broke; another blind man had his hands crushed against the wall, by which he was laid up a fortnight; and I had like to have been run over by a stone horse, had not a person pulled me out of the way. I and another man were going in to give evidence; we were not permitted; Captain Baillie said, "My lads, go home; you will have no redress here; you may break your necks, or legs, or arms; you will have no redress here." My stockings will not last one half the time; and my shoes burst out almost as soon as I put them on. The washing is so bad, the shirts stink very badly; they stick to my skin; your Lordships would not suffer your hunting dogs to put such linen on; a shirt was brought to me all over mud; it had been trod in the dirt; I stuck two pins in the inside of the collar, and gave it to the Nurse to put in the wash; the next week I had it returned just as bad as it was before, with the pins in the same place. There are a parcel of dogs kept opposite, that make a noise all night, that I cannot sleep.

Q. How did Captain Baillie behave to the pensioners?

A. He has behaved like a Father, a Governor, and a Man, that would do us all the good he could.

Q. Lord Dudley. Was the cravat you have on washed at the Hospital?

A. No; it is a cravat of my own; I pay for washing it myself.

[Thomas Rapley withdrew.]

JOHN MARSOM called upon by Captain Baillie.

A short debate here arose respecting the propriety of his giving evidence, as he had not been summoned, but seen accidentally at the Bar by Captain Baillie, taking their Lordship's Minutes in the room of Mr. Gurney. Resolved, that he should be sworn, and examined as an evidence.

Q. Mr. Marsom will you give an account to the House in what manner you was treated at the Committee at Greenwich Hospital?

A. My Lords, I was taken down to Greenwich to attend a Committee, to take notes for Captain Baillie; when I came into the room, I was asked who I was,

* Alluding to a dog-kennel in the Hospital, kept by Mr. Steward Godby.

and upon my informing them I was a Short-hand writer come to take notes, I was ordered out of the room.

Mr. MORGAN called in.

Q. Give an account of what Lord Sandwich directed you to say to the Committee.

A. I don't recollect I had any instructions from my Lord Sandwich; I never saw my Lord Sandwich; nor was I, as I believe, instructed by any other person to deliver such a message from my Lord Sandwich. The Committee, was to enquire into the conduct of some of the gentlemen of the Committee who were not in the Direction. Memorials were given in to the Admiralty, mentioning Captain Baillie's publication, and praying redress; a Court was called, and an enquiry directed. As to any thing that could affect Lord Sandwich, I, as Counsel, might go as far, as to say, it would be taking up the time of the Committee to no purpose, because I thought that enquiry had not to do with my Lord Sandwich.

Q. By whom was you employed?

A. By the Solicitor of the Hospital. I wish the House to permit me to say a few words on the subject. A book was laid before me, by the Solicitor of the Hospital; I was Counsel in the complaint of the beef; and after having examined into a variety of charges, and knowing the allegations about the meat were false, I being acquainted with some of the gentlemen mentioned in that book, I thought the publication was malicious; it was put into the hands of these gentlemen, and, I believe, into the hands of a lady of quality; and they were advised to seek for redress. The motions were made in the Court of King's-Bench; they were made at all events before the Committee determined; I had then a book laid before me by the Admiralty, directing an enquiry; upon which I took a large folio book; Captain Baillie having arranged his matter according to his own method, sometimes taking up one part, then another, I took and arranged the several charges under the names of the persons charged; I arranged all the matters against the Directors, as Directors; I attended as Counsel, not for the Directors, but the gentlemen concerned in that book; and, my Lords, I do say, there never was an enquiry made with more solemnity, justice, and impartiality; all the charges Captain Baillie had made in his book were taken one after another; the charges were read, sometimes by the Chairman, sometimes by the Clerk; Captain Baillie was called upon to produce his evidence to every part of the charge; there never was an evidence offered by Captain Baillie proper to the point in question; there never was a witness called by Captain Baillie to support the charges by legal evidence, that was refused; but when Captain Baillie could not make out his charges, the eternal clamour was about bull beef and bad small beer. Captain Baillie was promised to be heard; and he was heard in every charge, but was not able to substantiate one piece of evidence against the gentlemen; I told the gentlemen for whom I was concerned, that if any of the charges should come out against them, I would never attend again; but I said I would not admit evidence that was illegal; when Captain Baillie had not established his charges, they would sometimes enter into a defence, before a charge was established; Mr. Adams having gone through the most part of the Hospital, and inspected every thing, he said, had he been Clerk of the Works, and been to advise, he should have advised to be done what had been done; the Committee went through every part, of the complaints; they examined the Wards of the Hospital; they examined the stairs; I don't recollect that there was a thing in the Hospital that they did not examine, from the foundation to the top of the Hospital, and even went out upon the roof, I myself attending them; there was not a charge but was arranged in the book; I myself arranged them; and I affirm, that

of all the enquiries I ever saw, none was ever conducted with more solemnity, justice, or impartiality.

Q. You say Mr. Adams gave great approbation of every thing done by Mr. Mylne; did you ever observe in Westminster-Hall that Architects were willing to support Architects?

A. I don't remember that they have very warmly.

Q. Have you ever known them find fault with one another?

A. I think I have.

Q. Did you go into the Infirmary with the Committee?

A. I did not go into the Infirmary, nor do I believe the Committee went; but Mr. Stuart, Mr. Mylne, and I think the Physician and Surgeon, and perhaps another person attending, made very full enquiry into the manner in which the Infirmary was built; and they said every thing was done that could be done by the skill of man; in fact there was a place where some idle people had trundled their mops, and there was some damage done to the walls and the floor.

Q. Then you made a mistake in saying they examined every place, and that you attended; you must except that?

A. I am very ready so to do.

Q. Whether they were desired to go to the Infirmary?

A. I believe not.

Q. Did they read the letters of complaints from the Officers of the Infirmary to Mr. Mylne?

A. I don't recollect any evidence of complaints made by the Officers to Mr. Mylne.

Q. This Committee you say was carried on with the greatest order; do you recollect any Case enquired in into any Court of Justice, where the Plaintiff's matter was arranged into evidence by the Counsel on the other side?

A. All the arrangement was putting the charge against every person under his name regularly, as Captain Baillie had stated them; the charge against Mr. Mylne under his name, and against every gentleman for whom I attended.

Q. Whether in your practice in Westminster Hall you ever knew that a complainant's complaint was ever arranged by the Counsel on the other side?

A. I conceive no Case ever came before a Court of Justice similar to this; and I think it would be much to the advantage and ease of Courts of Justice to arrange the evidence on both sides: I have seen the Judges at the Old-Bailey much at a loss in calling witnesses, because there was nobody to arrange them.

Q. Suppose Mr. Morgan was called upon as Counsel on one side, and Mr. Dunning on the other, would Mr. Morgan advise that Mr. Dunning should arrange his client's evidence?

A. Certainly not.

Q. Suppose an enquiry into the conduct of Greenwich Hospital, would Mr. Morgan advise his client to submit his Case, to be arranged into evidence by the Counsel on the other side?

A. Certainly not; but I submitted it to the Directors.

Q. If you had been Counsel for Captain Baillie, would you have advised him to have it arranged by the Counsel on the other side?

A. Suppose I was Counsel on the other side, and the Counsel for my clients had arranged the evidence as I did, I would have looked at the arrangement, but would not have objected to it. Captain Baillie was shewn the names, and the order of the persons, and told, the charges are taken from your own book.

Q. Whether if you had been Counsel for Captain Baillie, you would have thought justice had been done him, if the Counsel on the other side had arranged his accusation contrary to his opinion?

A. If the Counsel on the other side had arranged the charges in such a manner that the end of the enquiry could not be obtained, I should object to it.

A a

Q. You

Q. You directed the rules against Captain Baillie in Westminster Hall?

A. Yes.

Q. The event was not lucky, I believe, to your clients?

A. The rule was discharged with costs; it came out that no books were delivered but to the Governors and Commissioners.

Q. You was employed by individuals? Who?

A. The Solicitor of the Hospital employed me generally; when I came to look into the book, I took the names of the individuals, and considered myself as their Counsel.

Q. With regard to the practice of Courts, did Mr. Morgan ever know any Courts of Justice that should make a report when no one of the Members attended every day?

A. I am glad I am reminded of that circumstance; it is said we attended seven days; I think Mr. Cuff attended six out of the seven days. There was not a piece of evidence given (and I will beg to say the Committee received evidence, which I knew not to be legal evidence against my clients, which I did not object to, knowing the uprightness of their intentions;) no evidence was given, but what was put down, and it was read over to the witness, and he was not permitted to go out till it stood in his own words.

Q. Whether you ever knew a Court of Justice or enquiry making a report where no one Member attended every day?

A. My Lords, the King's Justices have given their opinion in a case where the rest of Judges had not heard all the argument; but it has been delivered to them from the other Judges.

Q. It has been mentioned that Mr. Cuff should say that Captain Baillie should be heard at the end of the enquiry?

A. I believe I can explain that observation; when we were enquiring in a charge against Mr. Stuart, he would be talking of the charge against Mr. Cooke; it was said, do be so kind to keep to the point before the Committee; we will hear you to that charge when we come to his Case.

Q. Did you hear Captain Baillie at the end of the enquiry, when he desired to be heard?

A. I believe he did require to be heard several times at the end, but it was to charges that they had done with, and made their resolution.

Q. As every thing was set down in the words of the witnesses, did it not appear that one witness stated that you had omitted to set down what he had said; and the Clerk said he set down nothing but what he was directed?

A. Much was said that was not proper evidence; and I directed what was evidence to be set down, and not what was not legal evidence.

Q. Do you recollect the circumstance of the witnesses saying that he had given evidence of a man that had not been at sea, and it was not put down?

A. I don't recollect that.

Q. There was mention made that some person offered in evidence at the Court, that a person had not been at sea; Captain Baillie observed, when he came to hear it again, that that was not set down?

A. There might be an observation of that kind; but whether an Officer had been at sea or no, was not a part of the enquiry before the Committee, and I might object to it.

Q. Was there any evidence (that landmen had places in the Hospital) objected to?

A. That landmen had places in the Hospital was a subject of complaint in Captain Baillie's book; but this enquiry was directed on the conduct of individuals and the conduct of the Directors, and not whether landmen were in the Hospital.

Q. From whence did you take the business of the Court of enquiry to arise?

A. From the complaints made; I understood a Memorial came from Mr. Stuart, Mr. Cooke, Mr.

Mylne, and others, to the Admiralty, saying, that Captain Baillie had published a book impeaching their conduct, and begging an enquiry might be set on foot, and their conduct examined into; that the Council of the House, whose conduct was called in question, had likewise sent up to the Admiralty a Memorial, requesting the same enquiry respecting them. I believe those two Memorials, and *those only*, were the foundation of that enquiry.

Q. Did Mr. Morgan never happen to read the order by which the Committee was appointed?

A. I believe I did.

Q. Do you recollect the substance of the order?

A. I do not.

Q. Have you been directing the manner of proceedings, without knowing the substance of the order?

A. If I read the order, it cannot be supposed I could advise the Committee to pass over any subject they ought to enquire into; I desired they should go into every enquiry they could legally go into, on that order; as I originally said, complaints came to the Admiralty, and an enquiry was directed; and, I apprehend, the Committee had no right to enquire into any thing, but only what respected the persons making the complaint.

Q. Do you understand, that the grounds of it was the complaint against Captain Baillie? You don't mean the matter of which he complains?

A. The House is examining me to an order that I have not read many months, that I have no remembrance of; my judgment was, that they had no right to make any other enquiry than what they did.

Q. Then, I think, you say, the Committee conducted themselves right; I ask, in particular, whether if the order was to enquire into the grounds of the complaint made by Captain Baillie, whether it was not to enquire into the principal points?

A. I should think not; the complaint was by persons who complained of being attacked by Captain Baillie.

Q. If the order of the Committee had been to enquire into matters of complaints, of particular persons, you might be right; but the order was general; do you recollect that?

A. If you are asking my judgment, I apprehend the Lords of the Admiralty had not a right to order a Committee to enquire into that matter.

Q. But suppose they did, whether it was right or no?

A. Then I don't think the Committee had power to enquire into it. I said before, there were two Memorials came up to the Admiralty; the body of the Directors were reflected on; there were two bodies; one of the bodies contained some of the Directors; all the charges respecting the Directors, I believe, were arranged and enquired into.*

Q. Where would have been the illegality of it, if the Court had enquired into and reported, that according to the Charter, no persons but seafaring men had a right to such and such employments?

A. I apprehend two answers may be given to it, That the appointment of landmen is right, according to the Charter; and if they had given an authority to a Committee to enquire into it, they would have enquired into a nugatory act.

Q. It is not what the Committee had a right to do, but what they were ordered to do?

A. My judgment then was, and now is, that whatever the Board of Admiralty directed to enquire into, the appointment of landmen would have been an improper direction; and my opinion is, they had not a power to enquire into it.

Q. If the Admiralty had given an order, would they not have had power?

A. I apprehend not?

Q. Don't you recollect the order?

A. No, I do not; I understood that the Memorials sent to the Admiralty were read, and when the Committee was appointed, the substance of the complaint, mentioning those who had complained, was mentioned in the order; and these persons were appointed to enquire.

* The Chairmen of the Committee, and Sir William James, swear none of the charges against the Directors were enquired into.

The following Resolution of the General Court, of the 14th of April, 1778, read by Mr. Morgan.

Resolved, "That a Committee be appointed to enquire into the grounds of the several charges contained in Captain Baillie's book."

While I am reading the order, the House will permit me to observe, that I consider these words, *the several charges contained in Captain Baillie's book*, to be a relative; and the antecedent to be the two Memorials sent up to the Admiralty.

Q. Do you mean the charges against Captain Baillie.

A. I meant no such thing, in the evidence; complaints came to the Admiralty, from certain specific persons; they say charges are made against them in Captain Baillie's book; the order is, to enquire into charges; what charges? The charges against the persons complaining; and, at their particular request, this Committee was established; not to enquire if Lord Sandwich put landmen into the Office, but the charges against those men; we beg you will direct an enquiry into the charges made against us.

Q. Is there any word said of that in the order?

A. That is my judgment.

Q. Do you understand the order?

A. I thought I did.

Q. You do now?

A. I think I do.

Q. Does that order say any thing about your judgment or Memorials delivered to the Admiralty?

A. That I cannot tell, that Memorials are mentioned.

Reads the order again.

Resolved, "That a Committee be appointed to enquire into the grounds of the several charges contained in Captain Baillie's book."

Q. *The several complaints*; those are the words you rested upon?

A. I did.

Q. Does the several complaints mean the several charges contained in Captain Baillie's book?

A. I understand the complaints; the complaints of those that applied to the Admiralty.

Q. Do you understand the several charges in Captain Baillie's book to mean all the charges; or that it means partial charges, to be interpreted by you?

A. In this place, I understand, it only means the charges made against the persons complaining to the Admiralty, on this occasion; I conceive, under different circumstances, different constructions may be put upon the same words; if the order was made by this House, I should suppose the words would mean the charges in general; but in an order from the Admiralty, not understanding the law, they meant only the charges against the persons complaining.

Q. Then it was a mistake in the Admiralty?

A. No; I think there was no mistake.

Q. What then; was it ignorance?

A. Neither mistake nor ignorance; I think the words extremely improper; and think the Committee would have done very wrong, to enter into any other enquiry than they did.

Q. You talk of your clients; do you mean those who sat at the Committee?

A. Certainly not.

Q. Whether you was the Counsel employed, with regard to the first prosecution against Captain Baillie, at Westminster Hall?

A. I was in that; I advised a motion and information.

Q. In what year and month was it you advised the carrying on this prosecution?

A. I don't remember; I believe the application was made to the Court of King's Bench, soon after the book came out.

[Mr. Morgan withdrew.]

Mr. IBBETSON called in.

Q. I want to have the report of the Committee; by what names is it signed?

A. By Mr. Cust and Mr. Barker, who acted as Chairmen of the Committee, with their names only.

(The report was produced.)

[Mr. Ibbetson withdrew.]

Adjourned to Monday week.

Monday, the 3d of May, 1779.

Lieutenant GORDON, first Lieutenant of the Hospital, called in.

Q. Had the Reverend Mr. Cooke any conversation with you?

A. The answer I must give is this, that the Reverend Mr. Cooke came to my apartment on Thursday the 25th of March, 1778, and informed me, that there was a book printed, which was rather defamatory to the Officers of the Royal Foundation and the navy. My Lords, I begged leave to give him for answer, that I could say nothing to it. It was the first of my receiving the intelligence of any such book, and therefore could give no answer to it; he told me further, that there was an intention to form a Memorial against the Lieutenant-Governor of the House, which I told him, I thought was not right; I therefore told him further, I could say nothing to the book, until such time as I had seen it and read it, and read what the book narrated to; this was my answer; he said, that he, and some more of the Officers, proposed to present a Memorial against the late Lieutenant-Governor (Captain Baillie) of the House; I told him I thought he did wrong; I should certainly, when I came to hear it, if it did not coincide with my opinion, I should give my negative to it; this was my answer, and my positive answer.

Q. Whether Mr. Cooke represented that book as injurious to Lord Sandwich, and to the Naval Officers of the Hospital?

A. He did represent it as injurious to the first noble Lord of the Admiralty, and as injurious to the Naval Officers; this upon my oath I declare.

Q. Did you ask Mr. Cooke to show you that book?

A. I did, and he positively denied it; he had a letter in his hand, and wrapped it round his finger; he said, he had it from the noble Lord, the first Lord of the Admiralty; I begged the favour to see it; he said he could not let me see it.

Q. Was you solicited to join in complaint against the book, at the same time that Mr. Cooke refused to show you the book?

A. I was solicited; I told him I would do no such thing; I thought it rather a nugatory and defamatory thing, with regard to the second officer commanding that Royal Hospital.

Q. Did Mr. Cooke make use of any means to induce you to come into his proposals of signing this?

A. He did solicit me to come into his proposals, and I absolutely refused it; I told him I thought it a wrong method, and wrong system in him, as a clergyman, to promote such a thing to be introduced against a second, and Chief Commanding Officer at the time.

Q. Did he say any thing of Captain Baillie's having any intention of turning you out of your apartments?

A. He did mention such a thing, but I told him I did not believe it, because I had never seen the book, nor knew nothing of what the book contained.

Q. With what view did it appear to you, that Mr. Cooke did mention to you, that Captain Baillie had intended to turn you out of your apartments?

A. He told me it was to make room for more wards for the pensioners; I said, Mr. Cooke, in regard to that, I have nothing to say; whatever the Lords Commissioners of the Admiralty's pleasure is, I, as an Officer in that House, must comply with.

Q. Did

Q. Did Mr. Cooke say he had been round to all the Officers, to complain against Captain Baillie?

A. Yes; excepting Captain Allwright, Lieutenant Lefevre, Lieutenant Kerr, and Lieutenant Ansell.

Q. When the complaint was proposed at the Council, did you sign it or object to it?

A. I objected positively to it, and I said, it was a wrong system and method in them to criminate a Commanding Officer, without any just offence; I told them all so at the time.

Q. By whom was the book produced?

A. By Captain Maplesden, the now Lieutenant-Governor, who was then first Captain of the House.

Q. Was the complaint made an Act of Council of the House, or made an entry in the Minute-Book?

A. I objected to it; they proposed to make it a Minute of Council, but Mr. Cooke the night before said, that it should not be made an Act of Council, but brought in after the Council was over; I told him at the same time, "Sir, I think you are wrong, you are to do as you please."

Q. Was any attempt made to put Captain Baillie out of the chair at the Council?

A. Yes; Mr. Godby, the Steward, and the Reverend Mr. Maule, second Chaplain, made the attempt to put him out of the chair; I opposed it with all my might and main, nobody else seconded it, therefore it dropped.

Q. Was that seconded by any of the Naval Officers?

A. Not one.

Q. Is there any party or faction of Landmen existing in the Council of the Hospital?

A. A very great faction and party; may I presume to mention them?

Q. Certainly.

A. In the first place, John Ibbetson, Secretary to the Board of Directors, and a Clerk of the Admiralty; there is John Cooke, the first Chaplain, John Godby, the Steward, and the Reverend John Maule the 2d Chaplain, Francis Cook, the Deputy Secretary, and many others of the land faction?

Q. Do you observe that these gentlemen act together, and in opposition to what comes from the Naval Department?

A. I do often.

Q. Do you constantly attend the Council?

A. I do not; the reason is, there is such a land faction got into the Council now, whenever they have any point to carry, they take care to have all their friends there; and it is customary, my Lords, in that Council, that the junior Officers, as at Courts-Martial, give their voice first; my reason for not attending the Council is, because that land faction makes a party; and let all the Naval Department do what they please, they over-rule us.

Q. Has Captain Baillie appeared a friend to the Naval Establishment.

A. There never was a father of a family more tender of pensioners than he has been.

Q. Has he acted with diligence and propriety in his office as Lieutenant-Governor.

A. Always since I had the honour to be in the Council, with great diligence and propriety, and as a vigilant active Officer.

Q. Are the men's shoes and stockings adequate to the purpose of three pair to last two years?

A. They are not adequate to the appointment.

Q. Have you read Captain Baillie's book.

A. No, I have not; I have never seen it.

Q. Whether in the Council of the House the military Officers out-number what you call the faction, or whether they do not?

A. They do out-number the land faction, but the land faction work over the military Officers to their side of the question.

Q. Are there more military Officers in the Council of the House than land Officers?

A. There are more military than land, but the land Officers of late have got such a superintendency,

that they over-rule all the military Officers, for we are thought nothing of in the House, but the land Officers.

Q. If the military Officers attended, would not they out-vote the land faction?

A. I don't know that they would.

Q. How many military Officers are there of the Council?

A. The Governor, Lieutenant-Governor, four Captains, and eight Lieutenants; these are all the military Officers that I know of, the rest are all land Officers.

Q. How many are there of the Civil Interest; what you call the land faction?

A. The Secretary of the Board of Directors, two Chaplains, the Steward, and several others of the land faction.

Q. Go on to name them all; you have named but four.

A. The Clerk of the Cheque has, I believe, been a seafaring man; and there is the Physician, he is of the Council, a Civil Officer; the Auditor is likewise a Civil Officer; he is of the Council.

Q. Is the Clerk of the Cheque of the Council?

A. No, he is not.

Q. There are fourteen of the Council, if I understand you right, that are military Officers?

A. I cannot charge my memory exactly.

Q. You have named fourteen?

A. I named the Governor, Lieutenant-Governor, four Captains, and eight Lieutenants.

Q. They are fourteen military Officers; who are there that are not military Officers, that are of the Council?

A. Mr. Godby one, the Steward; Mr. Ibbetson two; Mr. Cooke, the first Chaplain, three; Mr. Maule, the second Chaplain, four; the Auditor five. They so contrive it when they have any method to carry.

Q. Go on to mention the names; is the Clerk of the Cheque of the Council?

A. No.

Q. There are in the Council, fourteen military Officers, and five of the land faction; how is it possible then, that the land faction should preponderate in Council, if the military Officers would attend?

A. Because the land gentry, as I call them, that is what is called the Civil Interests, but I know no such interests at Greenwich Hospital, nor ever understood there was any such interest at Greenwich Hospital, as a Civil Interest; that, by their party and faction, they cajole the Naval Officers over to their side.

Q. That is to say, the land faction, with their friends, carry every thing.

A. They do.

Q. Is it looked upon in Greenwich Hospital, that an Officer is most likely to get preferment by siding with the Naval Officers, or the land faction.

A. I believe with the land faction; because they carry so much weight with the noble Lord who presides so much at the Admiralty Board; there they have great weight.

Q. *Lord Sandwich*. What reason have you to suppose, that any of those Gentlemen carry great weight with the First Lord of the Admiralty; do you know any thing of that, of your own knowledge? I desire you to answer that question, upon your oath. Do you know, of your own knowledge, whether any of the land faction of the Council, have any influence with the First Lord of the Admiralty?

A. I cannot say, upon my oath, that I can say so, but I have often heard it said so. I cannot say, I know it of my own knowledge; but I have often heard it said so; and, by the manoeuvres that have been made in the House, I do think it is so.

Q. Do you think it is so imagined in the House?

A. It is so imagined in the House; greatly so.

[*Lieutenant Gordon withdrew.*
WILLIAM

WILLIAM GOUGH *called in.*

Q. What is your station in Greenwich Hospital?

A. I was a Boatswain there some time ago.

Q. What are you now?

A. A common pensioner.

Q. What is the reason that you were a Boatswain before, and are now no longer so?

A. At a Committee held at Greenwich Hospital some time ago, I was sent for there by Lieutenant-Governor Baillie, to answer some questions which might be asked me; in waiting on the outside, I saw a brother pensioner there, very officious in taking his hat off every five or six minutes to people that passed and repassed; in a free way, I said, "If I was in his place, I would not take off my hat so often to every Gentleman, for no Gentleman required a poor man to take off his hat, but at his first approaching, or while talking to him." A publican, that was standing by, went and acquainted the Rev. Mr. Cooke of what passed; he came, beckoned with his finger "You, you." I asked him if he meant me? He said he did; we withdrew a little way from the place; he said, "I understand you have spoken some disrespectful words of me." I said, I did not. Said he, "What did you say to such a man?" (one White). I said, I told him if I was in his place, I would not take off my hat so often to any body as he did. He said, "I was an impudent old scoundrel, and was guilty of faults." And that was what I was dismissed for.

Q. What happened in consequence of this? Who was you brought before?

A. At six o'clock the same evening, I was sent for before Captain Chads, the Captain of the Wee k, and this White, and one Herbert, a publican; they were there as witnesses to what I had said; I was ordered to be put upon the Complaint-book for being disobedient to the Rev. Mr. Cooke, and the Friday following I was dismissed from my bread.

Q. By whom?

A. The Council.

Q. What enquiry did the Council make into this business?

A. They made no further enquiry than heard what was laid against me, upon the complaint.

Q. Did you state to them, that you had said nothing more than this?

A. I said no more than that; but I meant no harm nor disrespect to any Gentleman whatever.

Q. Was nothing more than that stated against you?

A. Not to my knowledge.

Q. How long had you been at sea?

A. Forty years; twenty-eight years in his Majesty's service.

Q. Have you been in any engagements?

A. Yes; in May and October engagements, 1747, with Commissioner Hanway; he was a Captain then; and I was at the taking of Thurot, at Carrickfergus, on the North of Ireland, and the Courageux; I was in the Brilliant frigate at that time, and have been at sea ever since, till I came into Greenwich Hospital.

Q. Is there any nuisance in your Ward at Greenwich Hospital?

A. There was a nuisance, it is there I suppose still, that proceeded from a pipe that was laid down from the top of the House, into a pipe that was erected to lead the rain water into the common sewer; and, through the means of a pipe being laid into it, from one of the Officer's apartments, it occasioned a nuisance there.

Q. Has Captain Baillie supported the rights of the pensioners? Is he a friend to the pensioners?

A. No man can be more a friend to them, as far as I see, than what he has been.

Q. What Ward do you belong to at present?

A. The Namur Ward at present.

Q. Is the pipe offensive in the Namur Ward?

A. No; in the Jennings Ward, when I was a Boatswain in that place.

Q. Which Ward is the pipe a nuisance to?

A. To the Jennings Ward, and the Royal George likewise; it lays down through both.

[William Gough withdrew.]

ALEXANDER MOOR *called in.*

Q. What employment have you in Greenwich Hospital?

A. Cook, in one part of the Hospital, at present.

Q. Was you the person that made the first discovery about the pensioners being served with bull beef?

A. Yes, I was.

Q. Did you take much pains to discover that fraud?

A. Yes, a great deal.

Q. In what way?

A. I often spoke to the butcher's men to stop it; and made enquiries what the contract was for the meat, as it was bad from September to June. I then went to Captain Baillie, and enquired about the contract for the meat, finding it go on in so bad proceedings; he said the contract was for good fat ox beef and weather mutton. After I had stopped the proceedings of it on the first of June, as I observed to your Lordships, when I had the honour to be at your Lordships Bar some time ago, I was entreated by several of the Officers to deny there had been bull beef in the Hospital; and after that, the Steward went to the Governor, on the 12th of June, 1775, on purpose to get the Governor to threaten to stop the proceedings. I went to the Governor, Sir Charles Hardy; he took me into the parlour; he said he found I had known the meat to be bad some time; I said it had been bad ever since I had been in the Hospital; he said I did not act the part of an honest man, not to inform the House before; I told him I did not know any thing what the contract was, but as soon as I did know what it was, I discovered it; he asked me who told me about the contract, I said the Lieutenant-Governor; I said there were no instructions for me in my office; he then gave me ill language; he said he would discharge me from the office, for being a busy fellow; I said it would be hard for my family, if he did any thing of the kind. Coming through the passage I made an excuse; I told his honour I should be glad if he excused me from any duty of that kind; he then said, I must tell the Steward and Clerk of the Cheque, and take care of myself, for I should not be long there. I made application to the Lords of the Admiralty on behalf of myself and family; I have a copy of the letter in my pocket; Lord Sandwich bid me make myself easy, and things should be enquired into; I apprehend, if Captain Baillie had not taken the very steps he did, that there never would have been a prosecution against the butcher, or any thing else; it seemed that party in the Hospital were carrying on such proceedings, and would to this day. I was employed by the Solicitor of the House for two years, on purpose to bring the Contractor to trial; I took all the pains I could; I believe in two years, I went near 3000 miles upon account of it.

Q. Did Sir Charles Hardy reprimand you, and tell you, you would be dismissed, if you did not take care of yourself, for being or not being a busy fellow?

A. For being a busy fellow, and troubling myself about the butcher's meat; those were the very words.

Q. Had you any conversation with the Reverend Mr. Cooke upon this subject?

A. In August, I think, 1777, I had been in great distress, the Solicitor of the House had told me, I must find money for my expences, he could not give me any money; it would be called bribery, but when the trial was over I should be paid. I had a family;

B b

ly;

ly; I made application; I got money, and bore all my own expences; when the first trial was over, the Solicitor paid me 10 out of 19l. I applied to the Board for money; I was distressed and troubled several times by the people I borrowed the money of; I got no redress. About the 14th of August, 1777, I happened to meet Mr. Ibbetson upon the walks; I asked him in what method I was to apply to get my money; he was upon that account affronted. About the 15th, the Reverend Mr. Cooke sent for me, and said I had affronted Mr. Ibbetson; and if I did not go and ask his pardon, I should get no recompence at all; I did go. In the course of the discourse, Mr. Cooke happened to say, that Mr. Baillie had been a very troublesome fellow in the Hospital, and he himself had taken care that he had lost his best friend, and he might get him as he could, mentioning Lord Sandwich.

Q. Were your bills of expences ever paid you;

A. Not all.

Q. How much did the whole amount to.

A. For the two years to about 45l.

Q. Had not you a bill of 19l paid you? Did you never receive any thing by way of reward?

A. I had 10l. paid me, after I had made an affidavit before Justice Russell, a Justice of the Peace.

[Alexander Moore withdrew.]

Mr. CUST called in.

Q. Whether you was present at the meeting of the General Court of Greenwich Hospital, (the first meeting I think it was) that ordered the Court of Enquiry in last spring; in April I think it was?

A. Upon my word, I don't know; if I knew what business was done at the Meeting, I could tell whether I was there.

Q. When the Court of Enquiry was ordered?

A. I believe I was at that General Court.

Q. Whether you was not the person that made a motion there, in order for a Committee to enquire into the several charges contained in Captain Baillie's printed Case, concerning Greenwich Hospital?

A. Yes, I was.

Q. What did you propose by that motion, and understand to be the purport of that order?

A. I understood the purport of that order to be to enquire into all the charges contained in Mr. Baillie's book; and I understood that those charges consisted of three parts, as they appeared to me upon reading over Mr. Baillie's book; the first part was abuses in the Hospital, from three to ten years, that had a great many of them been remedied; the second was abuses subsisting in the Hospital, that Mr. Baillie thought wanted a remedy; and the third was, what appeared to me, on reading over the book, libels against the Directors, and the several Officers of the House; and as the Court of Enquiry was founded upon petitions presented by the Directors, and the several Officers of the House complaining that their characters were unjustly attacked, I did think, when we had the honour to be appointed the Committee, that it was our duty, first to go and examine into those charges relative to the Officers of the House; because, in respect to the Directors, Mr. Baillie protested against the Committee, and I thought very properly, for sitting upon charges in which they themselves were concerned; and therefore I did not think we were competent to go into charges in which the Directors were concerned; in consequence of this, before we went into the enquiry, Mr. Morgan, the Counsel, called upon me, to know if I had any objection to his being Counsel to the several parties that had presented petitions to the Admiralty; I told him I had not; and I told him I thought the plan would be, for us to take out of Mr. Baillie's book all the charges; what I call the libellous charges first, against the Officers of the House, and examine into them first, and desired he

would put them down; he did accordingly put them down in a book, and he gave me a copy; I compared it with Mr. Baillie's book, in the best manner I could, and it appeared to me, that the several charges that related to those parts of the conduct of the Officers, was very fairly put down; and when we met Mr. Baillie the first time, I told him the mode in which we intended to proceed; he objected in general to the mode, as he had done before.

He objected, that we were improper people to enquire; I told him, I thought, with respect to the several Officers, that we were very impartial, and competent to enquire into it, and that was the mode we determined to proceed in; if he chose it, he might produce his evidence; we should call upon him to support his charges, then we should call up the other persons, to shew that the charges were not true; this was the mode we had pointed out.

Q. Were not the persons named to form the Committee all Directors?

A. They were all Directors, because there was something that appeared to me very fair in the proposal; and I did not know indeed who could be the persons to be named, because I had no idea, that the General Court of Commissioners, consisting of the great Officers of State, if they had been proposed, I had no idea they would attend to this enquiry; when that matter was proposed, I was at the Admiralty, at the General Court; the First Lord called upon Mr. Baillie; he said, Mr. Baillie, you have in your book said, that there are a great many men of reputation, wealth, and honour, that attend often at the Board*; will you point them out, because if you will, I shall move this Court, that they be the persons that shall make this enquiry. Mr. Baillie refused to do that; then the Committee was appointed, leaving out all those persons against whom Mr. Baillie had made the particular charges.

Q. Did you name the Committee?

A. I did not.

Q. Who then did?

A. The red book† was called for by the First Lord of the Admiralty, who read the names of the Directors, and said he was of opinion, to form a Committee out of the Directors; we will exclude those that cannot attend, and those that are particularly charged in Mr. Baillie's book; and as the names were read, the Reverend Mr. Cooke being particularly charged, he therefore was not one; then several Admirals and Captains that were at sea, they were left out; the only people that could be afterwards found, were the seven or eight that were left for the enquiry; if there were none others, how could Captain Baillie chuse his men? Mr. Fonnereau declined afterwards, he said his health would not permit.

Q. Then were the persons that formed this Committee named by the Earl of Sandwich?

A. My Lord Sandwich said, I think, my opinion is, the book should be called for, containing the names of the Directors; and those that cannot attend should be left out; and those against whom there are particular charges should be left out; and the rest should be the Committee; and the General Court agreed to it.

Q. Was the Committee so pointed out by the directions of Lord Sandwich?

A. It was the General Court did it.

Q. Did Lord Sandwich point out to the General Court the persons to be of that Committee?

A. Yes, I think he did.

Q. Was you Chairman of that Committee?

A. Yes, I was. When I say I was Chairman, I was Chairman for the time I could attend; I attended from the 18th of April to the 8th of June; we had six or seven meetings in that time; I think I went into Lancashire; the Committee met afterwards, and then appointed another Chairman.

Q. For how many days was you Chairman?

* The words in Captain Baillie's book are, "Men of worth and honour do sometimes attend the Board;" but he has not said they were sufficient in number to constitute a Court.

† Court Register.

A. I believe six or seven times; but the Report will shew it; because it is there particularly marked.

Q. Who did you look upon, in that Enquiry, to be the Plaintiff, and who the Defendant?

A. I don't know whether I can answer that question, not being a judge of law; but it was an Enquiry, I conceive. I will shew your Lordships the mode we endeavoured to go on with; it was this; these charges being so set down, we took Mr. Baillie's book, and we read a charge; the first charge, for instance, against the Surveyor was, "that he had built an Infirmary as a palace for Officers *;" we called upon Mr. Baillie to prove this charge, and then called upon the Surveyor to give an answer to the charge; that is the way we proceeded; I did not know that there was a Plaintiff or Defendant in the case; the Committee were summoned to enquire into the charges contained in Mr. Baillie's book; the Officers, having presented the petition, may be properly called the Complainants, and Mr. Baillie the Defendant; we called upon Mr. Baillie to give proof in his book of that fact; and then upon the others; to shew whether they were guilty of it or not; that was the mode in which we proceeded.

Q. I think you say they called upon Captain Baillie to prove his book; in that respect, he was the Complainant: at another time, you say they called upon the gentlemen who had complained, as Complainants?

A. We read a charge in the book, and having read that charge, we called upon Mr. Baillie to give his proof of that charge, which Mr. Baillie, in some cases, did; in some cases he did not; then we called upon the person charged, to shew that it was not true; and when we had done that, and had examined through the whole of the charges against this man, then we desired the Court to retire, and the Committee, among themselves, while it was fresh in their memory, came to a resolution, whether they thought the charges well founded or not.

Q. Was any Counsel permitted to attend?

A. Mr. Morgan attended; Mr. Baillie first objected violently against Counsel; I told him that the gentlemen charged thought it right to have Counsel, and that he might have Counsel if he pleased; I think his answer was, he could not afford to pay for it; but he desired he might have a friend; we said he might; he did produce a gentleman, a Mr. Cowley, I thought a moderate sensible man; I thought him, then, a gentleman of the law, by his ability in the business; but since understand he was not.

Q. Then Mr. Cowley was permitted to assist Mr. Baillie, in the same manner as Mr. Morgan assisted the others?

A. Yes.

Q. Were any motions made by Mr. Cowley, in consequence of his being looked upon as Counsel, and as a friend for Captain Baillie? Did he make any motions to ask any questions?

A. Several times; I wish he had asked more; for Mr. Baillie was very troublesome in the Committee, and, at sometimes, behaved so rude, I thought the Committee could not go on; I appealed to Mr. Cowley as a moderate man, and said, you are brought here to assist Mr. Baillie; I wish he would let you go on; you understand the matter; we shall go on with greater ease; but Mr. Baillie would not permit that; he took upon himself to examine the witnesses; and would not let Mr. Cowley go on.

Q. Whether Mr. Morgan did not arrange the manner in which Captain Baillie's complaints were to be examined?

A. Yes; but it was at my request.

Q. Did not Mr. Baillie object to Mr. Morgan's arrangement?

A. Yes; and said, I think, that we ought to go on with the enquiry, beginning his book, and read-

ing it through; I think I told him, but I cannot be answerable for every word so long ago, I told him, Mr. Baillie you have, by a letter you have presented to the Court, (for he had presented a letter, in which he objected to the Committee as an illegal tribunal); when Mr. Baillie wished us to go on, I said, we the Committee cannot proceed in that manner; we will go on in what way we think the right way of proceeding; we cannot go on in your way; because if we do, there are charges must come against the Directors; you object to our sitting where there are charges against ourselves, therefore we cannot go on in the way you prescribe; we have thought this the best mode; and we think right to go on in our own mode; we will not agree to it.

Q. I understand, Mr. Cowley was looked upon as Counsel for Mr. Baillie?

A. They both, I think, said he was not a Counsel, but a friend.

Q. But in the same situation to Mr. Baillie, as Mr. Morgan to the others?

A. Yes.

Q. Do you remember Mr. Cowley's asking Mr. Adam, the architect, whether all the alterations appeared to be necessary repairs?

A. I don't remember that; I remember Mr. Adam's attending.

Q. And recollect his giving his general approbation?

A. I do; but that is all stated in the Report.

Q. The Report is stated in a different manner from what I wish to examine you to.

A. I don't recollect, particularly, what passed, relative to Mr. Adam; I remember his being there.

Q. I will put a question may bring it to your recollection; do you remember that Mr. Cowley was, at any time, ordered out of the room?

A. I don't remember that, indeed.

Q. That he should withdraw?

A. I don't recollect that; and rather think that did not happen, because there was a Committee appointed, I remember, to go and view some apartments, and Mr. Cowley attended Mr. Baillie: I don't recollect his being ordered to withdraw.

Q. Did Captain Baillie introduce a Short-hand writer to take Minutes of the proceedings?

A. Yes, he did.

Q. Was not that writer ordered to withdraw?

A. Yes, he was; I would not permit a Short-hand writer; at least the Committee would not; I gave my opinion; I did not think proper to have a Short-hand writer.

Q. What was the reason you objected to him?

A. I thought it improper; I did not think it proper to have a Short-hand writer to publish, perhaps in the news-papers, very unfairly, every thing that passed; in the first place, I did not know the gentleman; I did not know whether he would take the Minutes down fairly or not; and as there was a Clerk to take the Minutes down, I did not think it right to have a Short-hand writer.

Q. Who was that Clerk that did take the Minutes down?

A. Mr. Ibbetson, the Secretary's Clerk; he attends at the Board of Directors; he is the under Secretary.

Q. Was not Mr. Ibbetson concerned in the charges?

A. Certainly.

Q. I think you said it was his Clerk that took Minutes?

A. Yes.

Q. You said you did not think it proper to allow the Short-hand writer to take notes; don't you recollect Mr. Everest took notes?

A. Mr. Everest and Mr. Ibbetson both were at the table; likely they did take notes.

* The words of Captain Baillie's book, are, "The Architect of the new Infirmary, who, instead of constructing it as originally intended, principally for the sick and helpless Pensioners, built it rather as a Palace for Officers than an Infirmary for Sick; the natural consequence of which is, that there is not room sufficient for the helpless men."

Q. Will you explain why you permitted persons concerned on one side to take notes, and not permit Mr. Baillie to take notes on the other?

A. Mr. Cowley was permitted and did take notes; I understood one person was sufficient to take notes.

Q. There were two persons did take notes on one side?

A. They were writing at the desk; but I don't know what use they made of their notes; I have never seen them.

Q. Why did you refuse Mr. Baillie to have a person to take notes for him, and permit two on the other side to take notes?

A. I saw Mr. Cowley take notes for Mr. Baillie; I thought one person sufficient to take notes; I permitted the gentlemen belonging to the Hospital, Mr. Ibbetson, and Mr. Everest, the Solicitor; and they had been used to be in the room when I attended the Directors; therefore I did not chuse to turn them out: I did not order them to stay.

Q. I beg you will mention whether the Committee examined into the Infirmary of the Hospital?

A. They did not; and I will tell the House why they did not; Mr. Baillie would fain have had that matter enquired into, and come in as a charge against the Surveyor, for building the Infirmary improperly; the first thing we enquired into was, to know by what authority the Surveyor built it; we found that he had built it by a plan approved of by the Directors, and recommended to the General Court, and ordered by the General Court to build it according to that plan, in a masterly manner; therefore I told Mr. Baillie if there was any fault in the Infirmary itself, it was a fault in the Directors, and not in the builder; and that he had said that it was improper for us to enquire into charges against the Directors; therefore I would not permit it to be visited.

Q. Was Mr. Mylne examined relative to the state of the Infirmary?

A. Yes, he was, but against my inclination; for I would not permit his being examined; the Committee were for it, but I was against it; for I thought it to no purpose to enquire into the state of the Infirmary; if any thing was wrong, it was a charge against the Directors, and not against him.

Q. The Committee, then, did enquire into it?

A. They examined Mr. Mylne.

Q. But did they go to examine, themselves, the state of the Infirmary?

A. They did not.

Q. How far was the Infirmary from the place where they were sitting?

A. Two hundred yards, perhaps.

Q. Did Captain Baillie desire that they would?

A. He frequently desired it.

Q. Was not Mr. Mylne, as he was examined, one of the persons that had complained against Captain Baillie?

A. Yes, he was.

Q. Could Mr. Cust think him an impartial evidence?

A. No; I said I was against it; the Committee ordered it; but certainly he was a person having charges against him; therefore, with respect to myself, I did not think him a proper evidence.

Q. Then, in that respect, your opinion is, the Committee did not do right?

A. I did not think it relative to the point the Committee were to enquire into; and therefore I did not think it right to enquire at all into it.

Q. Is there a report in the Committee that Captain Baillie's charge relative to the Infirmary is not well founded?

A. Yes, there is such a report; and the report is against the Surveyor, that it is not well founded, as far as relates to him.

Q. And that without going to examine the place upon the spot?

A. Yes.

Q. And taking the examination only of the person himself concerned?

A. The charge against the Surveyor was, that he had built it himself, as if he alone had undertaken to build it; when it came to be enquired into, the plan was ordered by the General Court; therefore we thought it no charge against the Surveyor.

Q. Had not the Committee the plans of the Infirmary before them?

A. No, I think, not the Infirmary; we had the plans of the Hospital before us; and I am pretty sure we never had the plan of the Infirmary before us; because, finding it was ordered by the General Court, upon a plan, we were of opinion, that the Surveyor was not answerable, if the plan was a wrong one, if he had built it according to the plan.

Q. But was not that plan before the Court?

A. I don't recollect whether it was or not.

Q. It is a great distance of time; be so good as to recollect.

A. I cannot be sure; I rather think it was not; I am not sure, whether there was not something pointed out as if the works were different from the plan; I think I remember something of that; but it is at such a distance of time I don't now remember it.

Q. That the works were different from the plan?

A. Some of the apartments different from the plan; it is a long while ago since this Infirmary has been built; it has been built ten years; there being no complaint before of its being bad, and one of the things made us not examine so much, is this, there are articles of instruction; the Lieutenant Governor, when he sees any thing wrong, is to call a Council to make his complaint; and it is to go to the proper place to be remedied; I believe the Admiralty; this Infirmary having been built ten years ago, and it appearing to us that it was built by order of the plan, from the Hospital, we thought we were not to enquire into it.

Q. But there was some complaint, you say, that the building was somewhat different?

A. Yes.

Q. How were the Committee to know that, without going upon the spot to verify it?

A. I think I remember something of a plan being laid before us, because the objection being made, that there was something made that was not according to the plan, therefore, I thought if we saw the plan it would be the same as going to the place.

Q. Don't you know there are large places allowed for the Officers of the Infirmary that do not appear in the plans?

A. No, I don't, I did not particularly enquire into that.

Q. When you examined into it, who were the persons that Mr. Morgan called to disprove the parts in Captain Baillie's book? Were they the persons concerned in it?

A. Yes, I believe they were in general; unless your Lordship will state any thing particular, I cannot tell; in a general way they were called upon.

Q. I don't mean merely to deny the fact, but were not they called upon to give evidence in the case?

A. They were called upon to know, whether the facts were true, and then brought evidence to support their assertion.

Q. Was not their own evidence taken down in the Minutes?

A. Yes; I am rather apt to think, that what they said was taken down in the Minutes.

Q. Was Captain Baillie heard as an evidence in his own cause?

A. I forget; he was called upon to prove the charges, but I fancy he was to produce evidence to prove them, but Mr. Baillie's conduct upon many occasions was so very irregular, I will give you one instance; I remember there was a charge against the Reverend Mr. Cooke, that he had bought his place,

I think

I think under the sanction of the First Lord of the Admiralty; we thought this a very heavy charge; we called upon Mr. Baillie to prove it. Mr. Baillie, in a rude manner, said, you are an illegal tribunal, I will have nothing to say to you; I will give just what proofs I please, and will examine into it in another place; I will give you no proof of it here; then we set it down as not proved; and he often refused to give proofs, but wanted to go into the abuses of the Hospital, and not to enquire into the several charges contained in his book against the several Officers, as far as they related to the Officers; we went into the abuses; there were a great number of abuses entered into; under the head of Mr. Godby, all the abuses were examined into; where the Directors were concerned, there we told him we were not proper persons to examine into it.

Q. I understand Mr. Baillie was not admitted an evidence in his own cause?

A. I think not, we heard what he had to say, but whether it was put down in his evidence or no, I cannot say.

Q. But on the other side, the other gentlemen's evidence was taken in their own cause?

A. I will not say always, it was sometimes taken, I think.

Q. Do you recollect that Captain Baillie desired some letters complaining of the state of the Infirmary might be read, and Mr. Morgan objected to it, saying, he would not suffer his clients to produce evidence against themselves?

A. It is very likely it might be so, I don't recollect it particularly; I remember something of an objection made by Mr. Morgan, of his clients not producing evidence against themselves, but I am not sure whether it was there or not.

Q. Do you recollect whether those were letters addressed to the Directors, by the Physician and Surgeon, and referred to Mr. Mylne for his opinion?

A. I don't recollect that.

Q. Do not you recollect any letters addressed to the Directors, by the Physician and Surgeon?

A. No; I don't recollect it; I don't say it was not; it is likely there might be, but I don't recollect it.

Q. Did not the Committee refuse to hear the evidence of pensioners upon a great many points, when produced by Mr. Baillie?

A. Yes; and I believe I was the person that objected to it; the pensioners were examined upon two or three occasions; I think there were four, five or six of them, as well pensioners as nurses, upon some occasion, and the account they gave, was so very contradictory, and there appeared so much ill nature on both sides, so much party prejudice in the Hospital, that I myself was of opinion, they were not proper to be called upon any more, and I did object, I think, to some of them; and I believe some of the Committee were of a different opinion; they thought they ought to be called.

Q. You were of opinion then, that the pensioners were not the proper persons to give evidence of grievances?

A. I do not know what it was for, but if it had been to grievances, I think I should have thought them proper persons to be examined to that; but as I said before, their accounts were so contradictory, I thought it to no purpose to call upon them; if your Lordship will tell me any particular fact to which they were to be called, I may recollect it.

Q. Don't you recollect, that the evidence of the men, complaining of a great nuisance of a drain running through their wards, were refused to be heard?

A. I believe they were; this ward is in Mr. Ibbertson's apartment; if I remember right, it appeared to us, that this apartment was ordered by the Directors and the General Court of Commissioners, and therefore it was a charge, if any, against the Directors, which Mr. Baillie had protested we could not

go into; besides that, I think that Captain Allwright, if I remember right, was one of the evidences that was produced, either upon that or some other occasions, and it appeared, that this drain, whatever it was, was a thing that had lasted ten years; I asked him, whether by the fourth article of his instructions, if he met with any nuisance, he was not to complain of it to the Council, he said yes;—why then have you complained of it? no, he had not; why then, how can you come to complain to us, of a thing that happened ten years before, whereas, if you had laid it before the Council, it might have been remedied, and by your instructions you ought to have done it.

Q. My question is, Were the pensioners refused to be called in upon that occasion?

A. I think it likely they were, for the reason, because the Directors were concerned, we did not enquire where they were concerned, not thinking ourselves competent.

Q. Did it not appear to the Committee, that one of the witnesses was punished, for the trifling offence of not taking off his hat to Mr. Cooke, the Chaplain?

A. No, I don't recollect that.

Q. One Gough, a pensioner?

A. I don't recollect that, indeed; I don't remember at all that it came before me.

Q. Don't you recollect having said any thing upon that subject yourself in the Committee?

A. I don't recollect it, indeed.

Q. Don't you recollect having said that it had a very disagreeable appearance to be done at so particular a time, and that you was sorry it had happened?

A. No, I don't; it is possible I might say so, but I don't remember it: I remember there was some complaint of Mr. Baillie's, that the evidence was brow-beat; perhaps it was upon this occasion that this man was punished, and it was said that he was punished for some other offence; and I remember, at Mr. Baillie's request, several people were called in, several of the Officers, and told, that if there was any brow-beating of the evidence, or threatening, or menacing, that the Committee would take particular notice of it; for we desired all the evidence might be free and fair; I remember that was done at Mr. Baillie's own request; I think I might take notice of it, but will not pretend to say.

Q. Do you recollect a proposal of calling in twenty of the men then on guard, as a fair and expeditious mode of ascertaining whether the complaints stated really existed?

A. Against which of the Officers was the complaint made; because, if it was against the Directors, we thought it wrong to enquire. I told Mr. Baillie, don't interrupt us in our mode of proceeding, and when the Committee has done with that mode of proceeding, if there are any grievances that still remain, I, for one, think they ought to be redressed; and I shall, if I sit till Christmas, I shall certainly give my vote for the Committee sitting to redress all the grievances, but don't interrupt us now in our mode of proceeding; it is likely that might be one of those things that I thought it better to postpone till we had gone through our mode of proceeding; I cannot pretend to say.

Q. If I understand you right, you said you thought all these complaints were to be examined into, though the Committee should be obliged to sit till Christmas?

A. Not his complaints; I did not think the Committee could examine into his complaints; but I thought all the grievances then subsisting ought to be examined into and redressed, whether made by Mr. Baillie, or any body else; and I would have sat till Christmas for redressing them, if the Committee had thought proper so to do.

Q. Do you not recollect a proposal to take twenty men that happened that day to be upon guard, as a fair and expeditious mode of ascertaining whether the complaints stated really existed?

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A. I think it is very likely to be so; and if I objected, it was to the time; that this was an improper time, and interrupted our proceedings.

Q. I am not asking as to the time, but whether such a proposal was made?

A. I think I remember something of it.

Q. Was it not pretty strongly urged by Mr. Baillie?

A. I dare say, if it was made, it was strongly urged by Mr. Baillie; I have no doubt of it.

Q. Did you object to it?

A. Very likely; I objected for one: I remember some proposal was made; Sir William James thought we ought to enquire into it then, and was of opinion we should take six, eight, or ten pensioners that were passing by to examine into it; that was his opinion; and if I differed, it was as to the propriety of the time.

Q. You thought it ought to have been done?

A. If it was an abuse.

Q. Whether it was an abuse or not, would turn out upon the examination?

A. I thought enquiry into all abuses were to be made.

Q. And the proposal that was made by some Gentleman, and strongly urged by Captain Baillie, that the twenty men upon guard should be taken and examined as indifferent men, and that you objected to that proposal only as to time?

A. I cannot say that, unless I knew when it was; what day, I cannot take upon me to say at this distance of time: I remember some proposal made by Mr. Baillie to examine men, and my objecting to it, and Sir William James differing in opinion with me.

Q. Was that ever done?

A. No, never was.

Q. Was there any enquiry into the state of the linen?

A. Yes; I think a very full enquiry into the state of the linen, and we sat upon it, I think, two or three days.

Q. What was the result of that enquiry? Was it that the charge was made out?

A. May I refer to the report; I cannot take upon me to say what the result of it was; it is stated in the report.

Q. Did it not appear to the Committee that a great number of shirts and sheets then in wear were short of the standard allowed by the establishment; and that the whole deficiency amounted to a great quantity of linen?

A. I believe it did not appear that there was any deficiency, because I understand, from the mode of doing it, every shirt may not be of the same size; but there was no loss to the Hospital by it; there were a great many of them appeared to be very old linen; and it did not appear to me, that this linen might not be cut since taken off the beds. Mr. Baillie produced it all himself; they were not taken off by order of the Committee.

Q. Were there any men taken promiscuously to examine it?

A. A great many were examined of the new linen, and all appeared of the proper sizes; this was a basket of old linen.

Q. Would it not have been a fair method, to have taken the first 20 men upon guard to examine into this?

A. I cannot pretend to say, whether the 20 men upon guard were to that point; I beg leave to refer to the report, for I cannot pretend to carry all that in my head: I know the linen was enquired into very fully.

Q. Did it appear that the Steward was allowed to cut the linen of the pensioners shorter or less than the standard allowed?

A. I beg to refer to the report.

Q. I believe the report states shortly, that the charge was groundless. But I ask, did it not appear

that the Steward had cut the linen shorter than the standard allowed?

A. I beg that the report may be referred to; your Lordships have it upon the table.

Q. Did it not appear to the Committee, that there was no standard adhered to in making up the linen?

A. Your Lordship has the report upon the table; I could soon turn to it, if I had the report; because I cannot recollect it.

The report shewn to Mr. Cust.

Q. Did it appear that there had been any standard, by which the shirts and linen had been measured, previous to the enquiry?

A. That I don't recollect; I know there is a standard in the books.

Q. I do not doubt that, that it is in the books; but was that standard ever adhered to?

A. That I will not pretend to say.

Q. Did it not appear, that the standard was not adhered to?

A. I should think it did, in some instances; because their shirts were under the standard certainly.

Q. Why, in the report, could the Committee say that that part of Captain Baillie's assertion, that the standard was not adhered to, was false?

A. It is *unfairly* stated; the report says, *unfairly* stated by Captain Baillie; and then they say, it appears, that the linen cloth is cut up by the Civil Officers Clerks wives; that seemed to be the charge; that, we said, was not true; because we stated that there is a standard.

Q. Whether there was any enquiry made into the state of the shoes?

A. I think there was; I will look.

Refers to the report.

Here is another thing that is stated in the report. "If, however, any complaints had been made to Captain Baillie, of the shortness of the shirts and sheets, of bad washing, &c. it does not appear that he has taken the proper notice of them, by laying them before the Council, agreeable to the 17th article of the printed orders, for the regulating and better governing the pensioners, &c. which it was his indispensable duty to have done."

Q. I want to see if any thing is said about the shoes?

A. I am sure the shoes were examined into, but I don't see any thing in the report relative to it; I don't see any thing in it relative to shoes; I know we examined into the shoes, and examined relative to the Nurses cloaths, and found they were not so good as they used to be.

Q. Is there any report made about these cloaths?

A. I don't find it in the report; I know we examined into the shoes; and some that were produced were found to be very bad.

Q. Does that appear to you to be an impartial report, that does not take notice of several grounds of complaint that were proved?

A. I don't know how that is; I know we examined into the shoes.

Q. Does that appear then to be an impartial report?

A. I see that shoes and womens cloaths are omitted.

Q. That report then, as far as that goes, is defective and partial?

A. It is defective, as far as it goes, with regard to them; they ought to have been put in.

Q. Was there any enquiry into the state of the brewhouse?

A. Yes; I think there were enquiries made; but it appeared they were grievances that had been remedied, and no complaints made afterwards; I think I remember it; I don't know where to look for it in the report, or else, I dare say, it would be found to be there.

Q. Was there any enquiry made into the abuses of the Charity Stock, as charged in the printed Case?

A. I am not sure whether it was in my time made, or no; I think not while I sat.

Q. Was there any enquiry into the danger of fire, from the Taylor's shop?

A. No; there was nothing said about the danger of fire.

Q. It is in the printed Case.

A. I am sure it was not enquired into, while I was there.

Q. You, I think, attended six meetings?

A. Yes; I did.

Q. And the seventh you did not?

A. The seventh I did not.

Q. In the course of these meetings you said, that the Committee might sit till Christmas; that you thought it ought to do so, to enquire into abuses that were then existing?

A. Yes, that were then existing; if Mr. Baillie had any thing to say, after we had gone through.

Q. Did you attend at the seventh meeting?

A. I did not.

Q. Did you expect that, at that meeting, the Committee would be concluded?

A. I did not; I was obliged to go upon business in the country, as I told your Lordships before; when I returned, I waited upon, I forget who, I think Mr. Ibbetson, and first heard from him, that the Committee was put an end to; I was surprized at it; I waited then upon Mr. Barker, Sir William James, and Mr. Wells, and they told me the reasons of it; and they have given me very satisfactory reasons why they did not act improperly in putting an end to it.

Q. You did not expect it would be over in one day?

A. I did not.

Q. Do you recollect, that you promised to Captain Baillie, when Mr. Morgan had gone through the charges which he had pointed out as against his clients, that Captain Baillie should proceed to call evidence on matters which had not been investigated, which had not been fully entered into.

A. I don't recollect any promise; I did not think myself authorized to make any promise to Mr. Baillie; when Mr. Baillie wanted to produce evidence, and hinder our proceedings, in what we thought the proper, regular mode of proceeding, I said, don't interrupt our proceedings, when we are done, if there are any grievances, if you have any thing to say, I shall be for sitting upon them; I don't recollect making any promise in the way it is stated there.

Q. You said it as Chairman?

A. I said it sitting there.

Q. Was that contradicted by any one?

A. No; Mr. Baillie seemed satisfied with that, and then went on with the business.

Q. Do you imagine that Mr. Baillie relied upon what you had said, that he was to produce his evidence?

A. I suppose he did; he relied only upon me as one; I was only one in the Committee; he did not desire to have the sense of the Committee taken.

Q. Was any objection made to it by any body, at the time you said so?

A. None at all.

Q. Do not you particularly remember having repeated this promise, or whatever you please to call it, when the gowns of the Nurses were shewn to you?

A. I think it is likely; I said, several times, Mr. Baillie, do not interfere in our proceedings now, we are examining into the complaints against you; and when we have done, though you protest against us as an illegal Tribunal, yet if there are any abuses in the Hospital after that, we shall think it right to enquire into them.

Q. Do you remember, that the protection of the Committee was claimed for the Nurses who had been threatened?

A. Yes.

Q. To have the protection of the Committee, upon some suggestion, that the Nurses were brow beat or menaced?

A. I remember the Committee was exceedingly angry about it, and said, they would not admit of any such thing; and desired, if any threats had been used, none were proved, they should have every protection to give their evidence; and the Nurses were told they should.

Q. Did the Committee say that, without having any authority for imagining there had been some menaces?

A. No other authority, I believe, but what Mr. Baillie said.

Q. Was that denied by the people of whom it was said?

A. I don't recollect; the Committee said, the Nurses ought to know, that they were protected by the Committee.

Q. Do you recollect any instances of improper or insulting behaviour, to the Lieutenant-Governor, before the Committee?

A. There were two instances; particularly, I remember, the Rev. Mr. Cooke and Mr. Mylne; there were quarrels among them constantly in the room; they behaved very indecently to the Committee, on all sides; we could hardly keep them quiet; they abused Mr. Baillie, and he them. Mr. Cooke, I recollect, abused him; and Mr. Mylne thought himself ill used, by the charges brought against him, and he did abuse him, in the Committee, several times. There were great indecencies on all sides; we could hardly go on with the business.

Q. Where did that originate?

A. I remember Mr. Cooke called Mr. Baillie blackguard, or rascal.

Q. Mr. Cooke, the Chaplain?

A. Yes.

Q. Calling the Lieutenant-Governor blackguard?

A. Yes; blackguard, rascal, or scoundrel, or some expression that was very indecent; and I thought so at the time.

Q. With regard to Mr. Mylne; what did he say?

A. There was some expression of the same sort in Mr. Mylne, that I thought he ought not to have made use of in the Committee, and something of the same kind; then Mr. Baillie made use of insulting expressions to them, at the same time; in short, they quarrelled among themselves.

Q. That is what I enquire after; with whom did that originate?

A. I don't recollect; I remember telling the Reverend Mr. Cooke, that he behaved very indecently to the Committee.

Q. But should you have been angry with Mr. Cooke, if Mr. Baillie was the aggressor?

A. He behaved very indecent to us; he said we were a partial Committee, an illegal Tribunal, he would have nothing to do with us, we were partial; I could hardly be restrained from turning him out of the room, he behaved so rude at particular times; I appealed to Mr. Cowley; I said, you, Sir, are a moderate man, let Mr. Baillie put his affairs into your hands, we shall then go on with our enquiry, and soon get rid of it; I must do Mr. Cowley that justice to say, that he behaved properly.

Q. Did those words, illegal or partial, seem to apply to the Committee, as to their conduct in the enquiry, or to their being Directors?

A. To their conduct in the enquiry? I will do Mr. Cowley the justice to say, that he did never while I was Chairman, make use of any indecent expressions whatever, but behaved very moderately, and with great propriety during the whole time.

Q. Whether, as a Director of the Hospital, and as a Member of the Committee, you don't know, that many of the charges contained in the Case of the Hospital, as laid before the General Court, are substantially true?

A. That

A. That is a question, I am sure, I cannot answer, that they are substantially true; they may be substantially true many of them, and be remedied; I am sure the charge about the meat is remedied; so many of them might be true, and be remedied since.

Q. I do not mean those that have been remedied since, but those that then existed?

A. We did not examine properly into them.

Q. The linen?

A. I don't think the charges of the linen at all proved.

Q. The shoes?

A. Nor the shoes; the fault did not lie there, it lay with the Directors, if there were any fault in their contracts, therefore we could not enquire properly into it, we did not think ourselves authorized to do it.

Q. Whether the complaint that the abuse existed is not substantially true?

A. I do not think we enquired fully enough into it, to say there was some enquiry about shoes I remember.

Q. Did I understand you right or wrong?

A. We made enquiry into the shoes, and some of them appeared to be very bad, but there were reasons given for the badness of the shoes; they were satisfactory reasons, but I don't now remember what they were.

Q. What could be the satisfactory reasons that could be given, why the shoes were bad?

A. That I cannot tell; there were very few that were bad; I don't remember what the reasons were now.

Q. Do you conceive there can be a satisfactory reason given, why some of the shoes of the Hospital should be bad?

A. If complaints were made and not redressed, to be sure that is wrong, but I know that they were bad.

Q. And the gowns of the women?

A. They were not so good as they had been formerly; but then, that must have been the fault, I should think, of the Directors, in treating for these gowns, or not giving the same price; I cannot tell how that was, they were not so good as the others.

Q. Do you think that it is true, that there have been several landmen admitted into the Hospital?

A. Certainly.

Q. Do you look upon that to be contrary to the Charter, or what?

A. That is in the report that came under the head of the charge against Mr. Godby, the Steward; the charge against him was, that he had been illegally appointed, being a landman; the Committee have reported what appeared to them upon that head. I believe, I am sure we reported this; when Captain Baillie stated it, we were of opinion we were not judges, what was legal or illegal, and we did report it; it stands in some part of the report, that we did not think ourselves competent to enquire into that, because it was stated as an illegal thing. I don't pretend to judge of charters; if I was to judge, I should much doubt, whether many of the gentlemen said to be Officers, are Officers within the Charter; but that there may be landmen appointed to offices; but that I am not competent to judge of; it is a matter of law.

Q. Whether women have not been appointed matrons, that are not widows of Officers?

A. Yes; I think that did appear; one in the time of Lord Egmont, and one in the time of Lord Hawke.

Q. Did that appear to be contrary to the Charter or not?

A. That I will not pretend to judge of; that is a matter proper for your Lordships to judge of; I beg not to give an opinion about it.

Q. I ask your opinion, what you judged as a Director of Greenwich Hospital, whether you did judge?

A. Not having the appointment of them, we formed no judgment of it.

Q. Did you ever read the Charter?

A. No, never read it any further than as contained in Captain Baillie's book; I never saw the Charter*.

Q. Whether there has not been a great deal of money spent in making ornamental alterations and improvements in the Hospital, and in cleaning of pictures?

A. There has been none made but what was by the order of the General Court; we looked upon the Act of Parliament that gave the Derwentwater estate, gave it, in the first instance, for improvements of the Hospital, and to complete it according to its first plan, and then should go to the uses of the Charity; and that money has been laid out every year for a number of years, but it is not yet completed.

Q. Whether the price for the shoes and stockings of the pensioners has not been reduced?

A. I don't recollect, that will appear from the Minutes of the Committee.

Q. Do not you know that the price now given for shoes and stockings has been less lately than formerly?

A. I don't recollect; it is in the proceedings of the Directors, if it is so?

Q. Would you think it proper for the Directors to reduce the price of shoes and stockings for the pensioners, at the time they were laying out great sums of money, for cleaning pictures, and for ornaments?

A. I don't think they ought, so as to make the shoes and stockings bad.

Q. Do not you know that the men have complained of their shoes and stockings?

A. There are complaints, and always will be in such a number of men; but the generality of the pensioners don't think, I believe, that they are worse than they used to be.

Q. Was any enquiry made into that regularly?

A. I don't recollect whether there was or not.

Q. But the shoes you remember?

A. I remember something being done about the shoes, and some were bad, one or two pair that were brought.

Q. Was there but one or two pair brought?

A. I don't think that there were more than half a dozen complained of.

Q. Was that examined into any further? Were any number of pensioners called to examine, to see if there were any more?

A. I remember, by the examination that was made into it, it appeared, that a few pairs were brought in as bad, out of a great number that were brought in.

Q. Did not Captain Baillie propose to bring in 20 men out of the guard, to examine into that?

A. I know it was proposed to take 20 men out of the guard; but whether it was for the shoes or no I cannot say.

Q. Don't you know, that it was principally by the means and activity of Captain Baillie, that the butcher's man was transported for stealing the meat?

A. Possibly it might; Mr. Baillie, in that business, was very active, and the Directors were very active likewise in it; but that is an old thing, of long standing, and I don't remember it without referring to the books.

Q. Do not you know, that Captain Baillie was active and instrumental in convicting the contracting butcher?

A. I have heard he was instrumental in it, and so were the Directors; he was instrumental in it as a

* Mr. Cust has been many years a Director of the Hospital, and his warrant as such, says, "You are to govern yourself according to the Charter," which every Director is or ought to be in possession of; yet it appears he never had the curiosity to read or enquire after it.

Director; I understand the moment the complaint was made of the butcher, the Directors ordered their Solicitor to prosecute.

Q. Was not the contract renewed with that butcher during the pendency of that prosecution, and after he was convicted?

A. I believe it was; we have great difficulties to know what to do in these cases; the same thing has happened since this enquiry; there has been a contract made, at which I happened to attend; at the Board we were under difficulties, we did not know what to do, and agreed with this contracting butcher again. The Officers of the Hospital may prevent bad meat by the contract; they may return it back, and go to market and buy fresh meat; we are obliged to contract with the lowest that offers; and, in consequence of that, any person under a feigned name may come, and bid; if he is the lowest price, we must take him; we don't know the person; we were under difficulty how to act; the last time there was an advertisement put in for three weeks or a month, to serve us for six months or twelve; I happened to be at the Board, there were only two persons put in, and the difference was a saving to the Hospital, in the year, 350l. We could not consent to contract with a man, and give him 350l. more than another. I was not at the Board when that was executed; but I was at the Board when the contract was made with this man, who I understand to be the son; that was made the other day, and if we had not done it, we must have given 350l. from the Hospital. I do not know how we can act otherwise, unless we had a discretionary power to take other persons; and that would be attended, in my opinion, with more mischief.

Q. Do you think the Directors have not a discretionary power?

A. They never exercised that discretion but once and that was in the Painted Hall; if they took the lowest bidder, it might be ill done, and they would not have an opportunity of finding it out; but with respect to the meat, it is the Officers duty to see the meat is good, and we could not find it out in the Painted Hall; and therefore, I was one of those that, with respect to the Painted Hall, thought it not right to advertise when that matter was taken up; but it was not done in any other instance.

Q. Am I to understand from you, that there is a discretion in the Directors, not to advertise to take the lowest bidder, and in the case of the Painted Hall they used that discretion?

A. I don't know whether we did not take that matter wrong upon ourselves.

Q. What restrains you from having that discretion? Do you know of any law or usage to the contrary?

A. I know of no law; the fear of having greater jobs in the Hospital, have always induced them to take the lowest bidder.

Q. Nothing has restrained them but discretion?

A. Nothing but discretion.

Q. The reason you have given why the Painted Hall was not advertised, was, that being done at the lowest price, it might be done by dishonest persons?

A. Yes.

Q. In what light did you look upon Mr. Mellish after having been convicted?

A. In an improper light; but I don't know how one can help taking him; if Mr. Mellish had substituted any person else, and he had been the lowest bidder, we must have took him; so it appeared to me.

Q. I understood you that it was in the discretion of the Directors?

A. I should have thought that a very improper thing for discretion; because it is in the power of the Officers to prevent any abuse, because they may return it, and go to market for fresh.

Q. But did not that abuse exist for a long time?

A. It did.

Q. Then that guard was not sufficient for the purpose?

A. But I hope it will be in future, or some others found out, but I don't know of any.

Q. Don't you know there were many complaints and disturbances among the men about the beer?

A. I said before, I thought that an old affair that was taken up by the Civil Officers; it was their business to do it, and it was remedied. I forget whether we went into it or not, perhaps we read some of the Minutes.

Q. Do you mean to say, that the complaints contained in Captain Baillie's book, that had been remedied, were admitted to be true?

A. Yes, I should suppose they were.

Q. Do you recollect having said, at the Committee, that though Captain Baillie's zeal for the pensioners might sometimes carry him too far, yet, upon the whole, his conduct was meritorious, and ought to be considered?

A. Not meritorious, and ought to be considered; I never was of that opinion; I am pretty sure I never said that.

Q. Do you think it is meritorious?

A. In what respect think so?

Q. As having done justice to the pensioners.

A. I believe that Mr. Baillie has done a great many good things in the Hospital; and, in many instances, has done his duty as a very good Officer; and so have other people as good Officers; I have no doubt about that; I never heard any complaint against Mr. Baillie; I have been sixteen or seventeen years in the Hospital; I have not attended so often as I ought to do; my business was so much, I have not attended my duty so much as I ought to do; but whenever I have, I have never seen any thing, on the part of Mr. Baillie, that was reprehensible, any more than one of the rest; so much did I conceive Mr. Baillie a good Officer, that when this book came out, I own I never was so much astonished in my life; when I saw all these virulent complaints against those Officers with whom he seemed to sit in such friendship; I have often been in his company; I never heard him complain of them; and I was astonished when I read this book; but as an Officer in the Hospital, I never heard any complaint against him.

Q. Recollect, whether you did not say, at that Committee, that Captain Baillie, though his zeal for the pensioners might sometimes carry him too far, yet, upon the whole, his conduct was meritorious, and ought to be considered?

A. I could not say that, when I consider all these charges as unjust and malicious, in themselves, against the Officers, as they appear to me to be.

Q. Did you say so?

A. I think not; I don't recollect that I did.

Q. What were the proceedings, after this report, in August, at the General Court?

A. At the General Court; we met, and I was Chairman of the Committee; having delivered the report, I thought it my duty to suggest to the Court, that I thought there ought to be some proceedings upon it; and accordingly I stated to the Court what appeared to me upon the report; and I made a motion, that the charges against the several Officers were, in my opinion, in general, malicious and void of foundation; and that report was agreed to by the General Court; then another gentleman in the Court made a motion for the removal of Captain Baillie; which I agreed to.

Q. What gentleman?

A. Mr. Hicks was the gentleman that made that motion.

Q. I think you said you was not present at the last day?

A. I was not.

Q. Then how could you sign a report of a Committee, and afterwards make a motion to remove Captain Baillie, for complaints which, you say, were malicious

malicious and ill-founded, when you had not yourself attended at the proceedings of the last day?

A. Both of us signed; therefore I consider my name as only going to the six days that I attended; and in those six days that I attended, there appeared to me sufficient ground to say, that the charges against those gentlemen were malicious and void of foundation; indeed I thought so, and think so still.

Q. Then your signing does not go to the seventh day?

A. No; I considered it only as to the six days in which I attended?

Q. Then you did not take upon you to say, that on the seventh day the charges were malicious and ill-founded?

A. No; I only considered it as confined to the six days.

Q. What was the motion made afterwards by Mr. Hicks?

A. A motion to remove Mr. Baillie; and it was agreed to by the Court; the Lords of the Admiralty afterwards did not remove him, but suspended him; and I understood it to be, because there was a trial depending in a Court of law; and when that trial was over, and nothing in it appearing to vindicate Captain Baillie's character; for we understood the trial (but I was not present at it) that it was improperly brought; first, because the book itself was not a published libel, but a memorial, complaining of abuses; but I was not present at the trial; after that was over, there was a meeting of the Hospital, and at that meeting it appeared to me, at least in the debates upon it, that the Hospital suffered very much for want of a Lieutenant-Governor; it is an Office of very great importance in the Hospital, and therefore we agreed upon another letter or memorial to the Admiralty, to desire, that now the trial was over, if that had been the cause of the suspension of Mr. Baillie, we desired Mr. Baillie might be removed, and another Lieutenant-Governor appointed.

Q. I think you said, that when Captain Baillie protested against the Court of Enquiry, he did it because they were Directors?

A. Directors improper to enquire into their own conduct.

Q. I think you have stated, that you agreed with him in that, that they ought not to enquire into their own conduct?

A. I did.

Q. And therefore nothing relative to that was enquired into?

A. Nothing was enquired into; but there is a report upon it.

Reads.

"In regard to what concerns the Directors, your Committee found themselves in a very delicate situation, to have referred to them the consideration of matters in which they themselves were supposed to be interested; they, therefore, thought it necessary to convene all the Directors they possibly could, Captain Baillie excepted, who, by way of answer to the charges, have resolved."

So these are to be considered only as answers to Mr. Baillie's book, without proof on either side; the resolution made by themselves as an answer to the charges.

Q. Then, though the Board of Admiralty directed that the several charges in Captain Baillie's book should be enquired into, that Committee did not enquire into those that concerned the Directors?

A. Certainly, they did not.

Q. Am I to infer from thence, that as far as appears by that report, that there is no disproof of any thing Captain Baillie has said relative to the Directors?

A. Certainly; unless the answers they have given is a refutation of it, certainly no proof at all.

Q. Then, upon the other point, a letter was wrote to the Board of Admiralty to desire Captain Baillie to be removed?

A. Yes, it was.

Q. Who was that letter signed by?

A. I believe by all the Directors; I know I signed it for one.

Q. Did not the Committee also refuse to examine into any thing that concerned the appointments of the Admiralty, or of the First Lord of the Admiralty?

A. They did; they did not chuse to do it; they thought it too high a Court to enquire into; and they are not enquired into.

Q. Therefore any thing stated relative to them may be true?

A. It appears to me to be rather, though a very small one; but it is a small libel against all the great Officers of State, for not attending their duty as Commissioners; that was not enquired into; there were some libellous charges against the Governor, that were not enquired into; and against the First Lord of the Admiralty, and all the other Lords of the Admiralty.

Q. None of those matters that respect a complaint against the Court of Directors, the Admiralty, or First Lord of the Admiralty, the General Court, and Governor, were not enquired into?

A. They were not.

Q. I think you have said, in answer to a question that was asked you, that there were Matrons appointed, that were not properly appointed, not being the daughters or wives of seamen?

A. So I have understood.

Q. Whether it appears that any of those were appointed by the person who is now First Lord of the Admiralty?

A. It does not; I said I understood Lord Egmont was one, and Lord Hawke the other.

Q. *Lord Dudley.* I would wish to know of you, whether you do not think picture cleaning is a very delicate and nice business?

A. I do.

Q. If you had pictures to clean, whether you would not enquire for men of the greatest note in this country; or whether you would employ those that should offer to do it cheapest? Don't you think that a man that offered to do it cheap, might probably spoil your picture?

A. I do think so.

Q. If the Painted Hall had been spoiled, do you think they would have got much by having it done by a cheap hand?

A. I don't.

Q. Whether all the evidence before the Committee was taken down in writing?

A. I think it was; we had a Clerk that attended; and whenever I found that he did not take it down, I went on flow, and desired him to take it down; but I will not answer for the Clerk's having taken any thing down.

Q. After you had gone through, was it not frequently read over again?

A. Sometimes; not always.

Q. Was it not, if any member, or the witness himself, desired it?

A. Certainly; but I am not sure that it was done in all cases.

Q. You was at the appointment of the Committee, as a member of the General Court; it is mentioned that the First Lord of the Admiralty named the Committee, now I desire to know, whether they were named by him, or proposed to the Committee, and chosen by them as proper persons?

A. As far as I remember of that matter, I have stated before, that your Lordship (*Lord Sandwich*) did ask Mr. Baillie; Mr. Baillie, you have said there

are men of worth and honour attend at the Board; will you point them out, because I shall propose to the General Court, that they should be the men. Mr. Baillie said, I dislike your proceedings, or something of that kind, and will have nothing to do with it; upon which your Lordship desired the list of Directors to be read, and seemed very desirous that those Directors only should be taken against whom there could be no objection; that I take to be the case.

Q. Was not Mr. Baillie offered to leave out any of those, if he had any objection?

A. Yes; certainly.

Q. *Lord Sandwich.* This that I have in my hand is a letter, lying upon the table, written by Captain Baillie to the General Court: this is a paragraph in it: "I meant to appeal to a Court of all the great and noble Personages who are named in the Charter as Governors and Commissioners of the Hospital; instead of which, I was informed by Lord Sandwich at the Court, that none were summoned at the General Courts, but those whom he thinks proper." This is in the letter; I desire to know from you, whether you heard any such words as those come out of my mouth, that none should be summoned, but those I thought proper.

A. I certainly did not; it is now a great while since, that I should not depend upon my memory, but your Lordship did call upon me at the next General Court, and then I said there were no such words.

Q. Did I call upon any other persons besides yourself, to ask whether that assertion of Captain Baillie's was true or false?

A. Yes, you did.

Q. Upon how many?

A. I cannot tell how many.

Q. Did I call upon all the Members present?

A. I think you called upon all the Members present.

Q. What was their answer?

A. The same as mine; that they never heard your Lordship make use of any such expression.

Q. Did, at that meeting, Captain Baillie own himself to be the writer of that printed Memorial?

A. Yes; adding, at the same time, that he had not published it, I think; and that it was only meant as a Memorial to the Commissioners.

Q. He owned himself the author of it?

A. Yes; he said he was the author of it.

Q. Whether you ever read the list of the Governors and Commissioners of the Hospital?

A. No; I never read it; but I understand that the great Officers of State, not by name, but those that are great Officers of State, are Commissioners of the Hospital.

Q. I suppose you don't understand that there are a number of Officers who are not Officers of State?

A. Yes; there are Commissioners of the Navy; there are two or three of the Trinity-House, I believe, that do attend now and then at the Board that I have seen there; but I don't know who compose the whole Court.

Q. *Duke of Bolton.* Whether you don't think that it was an easy matter to have found seven persons, who were Governors and Commissioners of the Hospital, that were not Directors, to have formed a Committee of Enquiry, without going to whom you call the great Officers of State?

A. I very much doubt it; I will not speak positively to that point: I don't think that seven people could have been found who would have attended, that would have made a part in that enquiry.

Q. Don't you know that all the Admirals of his Majesty's fleet are Commissioners of Greenwich Hospital?

A. I don't know; I did not speak of the Admirals; I did not know that they were Commissioners.

Q. Suppose they all are; don't you imagine it an easy matter to have found seven of them to compose a Committee of Enquiry?

A. Another thing is, would they have attended? that is a mere matter of opinion.

Q. Was it any obligation upon you to attend?

A. None in the world; I did not desire to be appointed.

Q. Before that happened, who could have answered for you? Is it not a similar case between you and another person? Who, before it happened, could be certain they would object to attend?

A. We that were appointed were all present; and were asked if we would undertake it; we said yes, and were ready to undertake it now; if you had appointed seven Admirals that were not present, (for I don't recollect there was any one there) and they would not have attended, the Committee would not have been formed.

Q. Do you know that any others were summoned?

A. No.

Q. What was your summons?

A. A particular summons to meet at a General Court at the Admiralty.

Q. Did you understand that those that were absent, were not summoned?

A. So I understood.

Q. I understand from you, that after the fraud was committed by the butcher, he was employed again; tell me, if I am wrong?

A. I understood it so.

Q. And that there was no authority sufficient to authorize the turning of that man out, if he would undertake to do it for less than another; do I understand you right?

A. I don't clearly understand your Lordship.

Q. You said, I apprehend that there was no authority for the removal of the man, though you have acknowledged he had been guilty of a fraud?

A. I did not say that.

Q. I understood you, that he had served the Hospital improperly?

A. Yes.

Q. That is a fraud?

A. It is.

Q. But he offering to do it for less than any other person, there was an obligation upon the Commissioners and the Managers of the Hospital to employ that man so convicted?

A. Yes; I think there was.

Q. Follow me, and I will give you time to answer to me; if this answer of your's tends to any argument at all, here it lies, that whether the Hospital is well or ill served, if a man offers to do it for less than another, he is to be employed; now is there no such thing as publishing in a Gazette, a contract to supply the Hospital, excepting such a person?

A. Yes; there is.

Q. Then that man might have been excepted?

A. By name he might.

Q. And, of course, could not have been employed?

A. You might have excepted him by name; but if he had put in the name of John a Noaks, or any common name, and that man had been the lowest, you would have taken in that man; therefore you could not have excluded him from the benefit of it, though you would have excluded him by name.

Q. Whether or not a man of substance, offering a contract, will not always bear down any other man who attempts to offer against him; his name would have such weight, that an inferior butcher would not offer against that man; and for this reason; because, says this man, if you offer to serve the Hospital with beef at a penny a pound, I will serve them for an half-penny; as long as that man's name continues, you must be sensible that no other inferior butcher could offer against a man of substance?

A. I

A. I don't know what to say to that; we put in an advertisement; there seems to me to be but two modes; either to take the lowest person that offers, or to have it in our power to give a higher price to a man that we can trust; now if that power is granted to the Directors, my idea is, the Directors would make a great job of it.

Q. Why do you think so?

A. Because they would prefer a friend; and, perhaps, some of them be concerned in it; it is opening a door for a job.

Q. Then, according to your mode of reasoning, if a man is ever so great a villain, you must employ that man?

A. Yes; the Officers are to do their duty to prevent it.

Q. I think you said, Mr. Hicks moved for the dismission of Captain Baillie?

A. Yes.

Q. Was Mr. Hicks one of the persons that appeared as prosecutor of Captain Baillie, at the Committee?

A. Yes; I understood it so.

Q. Was Mr. Hicks one of the Committee at that time?

A. No; he was not of the Committee.

[Mr. Cust withdrew.]

Mr. BARKER called in.

Q. Was you appointed of the Committee to enquire into Captain Baillie's book?

A. I was one of the Directors nominated, at the General Court, to be of the Committee.

Q. Did you attend that Committee?

A. I did attend it twice; the first time I attended it was the first day of May; and when I was last, Wednesday, upon this examination, it was sworn at your Lordships Bar, that I attended there one hour only; therefore a very improper judge to give an opinion; the person that made that affidavit and declaration, at your Lordships Bar, was in my company from ten o'clock that day till seven at night, at Greenwich, upon the Committee, except the short dinner we made to return again to dispatch the business; Mr. Cowley I mean; I can bring ten Gentlemen now here that were present at the time.

Q. This was the third meeting?

A. The second meeting I believe it was; the first of May, I was there the whole day; and I was there the 19th of June, when we finished the enquiry.

Q. Then, I am to understand, you attended only two days out of the seven?

A. Yes; it did not suit me; I came out of the country on purpose to attend; Mr. Cust was gone; I made it my business to attend the second or third meeting, from ten in the morning to seven in the evening; we retired one single hour to dinner, and returned again to business.

Q. Was there any consideration given to the Gentlemen that attended that meeting?

A. No other consideration than spending their own money, and giving up their own time.

Q. Was you desired to attend by any body?

A. No; I thought it my duty, when my business would permit me, or my absence from the country.

Q. You was not desired to attend by any body?

A. No; only a general desire to attend as often as we could, to get through the business.

Q. Was that a desire from any particular person?

A. No; a general conversation among the Directors.

Q. And was there no promise given, that the expences should be borne?

A. I never heard any such thing, nor nobody ever thought of it; if your Lordships mean to know the advantages of being a Director of Greenwich Hospital, I have been one eleven years; sometimes I have received 5l. sometimes 3l. for the whole year.

* Mr. Hicks is a servant to the Hospital, as Sixpenny Receiver, and a Master, as a Director, Governor, and Commissioner. This is one of the absurdities complained of in Captain Baillie's book.

Q. Do you recollect being present at a meeting of the Trinity, at Deptford, on the 15th of June?

A. If it was a Trinity Monday, then I always attend; that is our annual day; we go then to choose our Master, Deputy, and Wardens.

Q. You don't remember having said any thing there about Greenwich Hospital?

A. I cannot charge my memory, that Greenwich Hospital was mentioned there.

Q. You did not tell any body there, that your expences were to be borne?

A. No; it was in a morning I was there; if it had been in the afternoon, after one had had two or three bottles, one might have said such a thing; but I never heard of it, nor never thought of it.

Q. Inform the House what you thought to be the proper business of the Committee?

A. I presume, to enquire into the charges Captain Baillie made in his book, against the Civil Officers of Greenwich Hospital; we thought that was the duty of the Committee; as there were charges made by Captain Baillie, in his book, to sundry gentlemen of Greenwich Hospital, the Civil Officers, and some of the Directors, we thought it the duty of the Committee to enquire into those charges, to see whether they were right or wrong.

Q. Did you understand that the Committee were to enquire into the charges, made by Captain Baillie, against the Directors?

A. No; that was impossible, to enquire into a charge against ourselves; we might have been very partial in our own judgment.

Q. You did not enquire into that?

A. Certainly not.

Q. Did you enquire into complaints against the Lords of the Admiralty?

A. More improper still, to enquire into complaints against our masters.

Q. Did you think you should be partial in that respect?

A. I hope not partial in any.

Q. Did you think it your duty to enquire into any thing charged against the First Lord of the Admiralty?

A. Certainly not.

Q. Any thing against the Commissioners in general?

A. Surely not.

Q. Were there any points, in Captain Baillie's book, that affected those persons?

A. If there was any charge that affected any single Director, we should have enquired into it; he did make some such, we enquired into them, and found them very wrong charges.

Q. But respecting the Directors in general, you did not enquire into?

A. Generals is nothing; when he made them against any particular persons, Captain Baillie's charge was read to them, their answers were received, and to the best of my judgment, we gave our opinion after the Committee was over, and the report made, which your Lordships may see in the report I had the honour to sign.

Q. Did you permit Captain Baillie to make his charges in a regular way, and to support them?

A. He had as much liberty as any person could have; we never stopt him but when the gentlemen differed among themselves, and made use of language very disagreeable; we were sometimes obliged to order the House to be cleared, and to desire them to be more steady when they returned.

Q. Was Captain Baillie permitted to arrange his complaint in the manner he thought proper?

A. He had while I was there, and I dare say he had the whole time.

Q. Did a Mr. Morgan attend the Court there?

A. He did for the gentlemen against whom Mr. Baillie alledged this charge.

Q. Did Mr. Morgan arrange his complaint, or Mr. Baillie himself?

A. I don't

A. I don't know; I know Mr. Morgan talked a great deal, and so did Mr. Cowley, Captain Baillie's friend, and prevented business going on, when it might have gone on much better.

Q. Did Mr. Morgan arrange Mr. Baillie's complaints, or did Mr. Baillie make them in the manner he thought proper?

A. I know nothing about their arrangement; I never saw their Minutes; I heard their questions, and the replies to them, and gave our report accordingly.

Q. Did you never hear Captain Baillie object to the manner in which the enquiry was carried on?

A. I was not at the first meeting; when I came to the second meeting, I was surprised to see gentlemen who were strangers there; I asked who they were, they said, one was Counsel for several Officers, and the other gentleman, Mr. Baillie's friend, which we supposed then of the law, was Counsel for him; I did say, that if I had been at the first meeting, I would have objected to Counsel; we wanted no law, but to come at truth only.

Q. Did you hear Captain Baillie make any objection to the Court, not permitting him to prove his book from the beginning to the end?

A. No, never; Captain Baillie gave the Committee a great deal of trouble, by sundry improper questions, or the business might have been done in half the time, and much better.

Q. Did you permit Captain Baillie to call his witnesses to prove the charges?

A. All the charges I knew of.

Q. Did you permit him to call them, in the order he thought proper?

A. I don't know any thing to the contrary when I was in the Chair.

Q. Do you recollect several of the blind men were refused to be called, concerning the removal of the posts and rails?

A. I remember the complaint that Captain Baillie made, that the posts and rails being removed, that it was a prejudice to the blind men, that one had been run over by it; I told them we admitted it to be true, and therefore they need not call witnesses to it.

Q. Did you report that you admitted it to be true?

A. I cannot remember eight or ten months ago; if I mistake in my memory, I submit to your Lordships goodness to correct me.

Q. Your memory serves you to tell us, that upon the removal of the posts and rails, you refused to call in the blind men, telling Captain Baillie you admitted it?

A. There was a reason given for it; the time they were removed, the accident happened; we told him we had heard the accident had happened, and we admitted it.

Q. Then does not your memory serve you to tell, whether you stated that in the report?

A. I don't recollect; the report is on your Lordships table; there was an accident happened; we admitted it, I don't say we admitted that it was wrong to take the posts and rails away, and put others in the room of them; I don't say it was so; we upon the enquiry and the Committee were satisfied with it, we admitted the man had received the accident.

Q. Did you enquire whether it was a grievance subsisting?

A. Certainly we did examine, and it was not then subsisting, but rectified, and in a more safe order than before.

Q. But did you refuse to hear the evidence of a blind man, on the subject, aye or no?

A. A blind man could not be an evidence, whether the posts were removed, aye or no; we admitted the fact.

Q. Did you admit the evidence of the blind man, aye or no?

A. It strikes me now, I believe we ordered the Counsel to withdraw, and some gentlemen came in with a report of Captain Baillie's behaviour at the door, in order to set them against the Court and Civil Officers; I believe I have that in writing, if your Lordships will permit me to read it; the time the Committee was debating upon it after the room was cleared, the Council for the Civil Officers, Mr. Morgan, and the gentleman that attended Mr. Baillie as his friend upon the examination; their language was very extraordinary, their behaviour prevented the business going on; they were desired to withdraw, and the Court to be cleared. Captain Baillie asked if he was to return again; we told him directly, he might do as he pleased; when we were debating this upon their going out, the following extraordinary speech, which had been just made in the room adjoining where the Committee sat, by Captain Baillie to two blind pensioners, in the presence of most of the Officers, and in the hearing of a number of pensioners and nurses, which several of the Officers were ready to attest, and which Captain Baillie, upon its being read, did not materially disavow; "Go my lads, you will not be heard, you may break your necks and be d—d; you, the lame and the blind, may do what you will for the Committee, for you will meet with no redress here." I submit to your Lordships, whether after such an affair as this, any gentleman would fit there to do business.

Q. Was this after the Committee was finished or not?

A. No; when the gentlemen were desired to withdraw, that the Committee might take into consideration, and go over the evidence, and see if the clerk had entered it properly.

Q. Then I beg to know, whether you did refuse to admit the evidence of the blind men, concerning the posts and rails?

A. After that, we thought it proper to break up the Committee, but we had before gone through every complaint but this; we called in every civil Officer; before we finished the enquiry, we asked them separately if they had any complaints to make, and your Lordships will see their answer in the report.

Q. You called the persons accused, to know if they had any complaints; did you call in Mr. Baillie?

A. He went away after this.

Q. The blind men were not called?

A. They were not.

Q. You refused to call them in?

A. After the Captain had made this public declaration, what could we say?

Q. Did Captain Baillie desire the blind men might be called in to be examined, aye or no?

A. He sent for the blind men, and after the behaviour of some of the gentlemen, when we were obliged to clear the room, and was going to take into consideration what was necessary for the examination of those people, we admitted the posts had been removed, and an accident had happened, and then when the report was brought in, of what Captain Baillie had said, it was all over.

Q. I must have an answer, yea or no; did Captain Baillie apply to the Committee to have these blind men called in?

A. I believe he sent for the blind men without applying to the Committee.

Q. I ask, did he apply to the Committee to send for them in to hear them?

A. I cannot charge my memory; if he did, I believe it will appear in the Minutes of the Committee.

Q. Was the evidence of Mr. Charles Lefevre refused to be admitted?

A. I believe Mr. Charles Lefevre had come before the Committee, that sat once or twice before; his name was mentioned; the answer was, as the Com-

* This is a most extraordinary averment; for, to this day, not one yard of post and railing are put up again, out of more than twelve hundred yards; yet, three Directors have sworn to the same purport.

mittee before had enquired into that affair, we did not know it was the business of this Committee, to take into consideration what had been before the Committee before, and under their consideration.

Q. Do you recollect expressing yourself, that it was very impudent for one man to find fault with the conduct of so many gentlemen as the Directors?

A. No, it never entered into my thoughts; Captain Baillie will do me the justice I hope to say, that I took his part in one thing that happened there.

Q. What was that?

A. I believe the Reverend Mr. Cooke; his affairs were under consideration, and Captain Baillie said very extraordinary things against him, and I believe the other told him he did not speak truth.

Q. Was there any body else?

A. There was Mr. Mylne, the Clerk of the Works; he was charged with something very indiscreet, and the language was very disagreeable, and I believe he might return it with a proper repentment, but perhaps made use of a word, but I forget it; these things I wish to forget; the other struck me much, as coming from a clergyman.

Q. Recollect the beginning of that conversation?

A. I would if I could, they were often loud, and contradicted one another too much for a proper enquiry.

Q. I thought you said there was one instance, in which you said you took Captain Baillie's part; what was that?

A. In the instance of the Reverend Mr. Cooke.

Q. Did you take his part against Mr. Cooke?

A. Yes; I said Mr. Cooke had not behaved properly.

Q. Who began in that business of Mr. Cooke; did Captain Baillie?

A. Captain Baillie brought it up; he brought Mr. Cooke from the other end of the room; he said some things that Mr. Cooke knew in his own mind he thought were not true.

Q. So Captain Baillie's attack upon Mr. Cooke, was charging him with some things?

A. The charge was always read, the person charged replied to it, and brought proper evidence to support his reply.

Q. Did Captain Baillie make use of any other words to Mr. Cooke, than what he had said in his book?

A. I don't know that he did.

Q. Do you suppose that the Captain, asserting the truth of his charges, was an insult?

A. I don't believe that Captain Baillie's charges were true, nor one tenth part of them.

Q. Did he make use of any other words, than asserting the truth of his charge?

A. I don't know, possibly he might.

Q. What were they then?

A. I don't recollect.

Q. Do you recollect preventing Captain Allwright from answering a question concerning the quantity of broth taken by people who had no right to it?

A. There was a charge about some veal; there were also asked, if there was any application from them to the Board, that is the Council; the Civil Officers were called in, all their names are down, to the number of 14; after a particular enquiry into the complaints of the Hospital, they were also asked, whether their application to the Board of Directors had not been duly attended to, and every grievance redressed; they all said they knew of none, except Captain Allwright, who said he thought due regard had not been paid to a complaint made to Council respecting some bad veal which had been issued to the Infirmary; but it appeared by the Minutes of the Directors, that proper notice had been taken of it by them, notwithstanding the proceeding therein was irregular; as Doctor Hossack, the Physician, declared to the Committee he was not acquainted with it, notwithstanding it was inserted in the Minute

book, that he complained of it, nor did he know any thing of the matter.

Q. My question is, whether you prevented Captain Allwright from answering a question concerning the quantity of broth that was taken from the men, by Officers who claimed it as a privilege or perquisite?

A. I don't remember ever hearing of such a thing; if I did, it will be in the Minutes, which are very correct.

Q. Do you remember, whether you ordered Captain Baillie to withdraw from the Committee-Room?

A. I mentioned that before; upon this extraordinary riot, I might call it, between the lawyer and the people, I ordered the room to be cleared; I said we had done with law, you are to withdraw, and have no occasion to return again; Captain Baillie said, must I go too; just as you please, Sir; you may return again, if you please.

Q. Did you tell Captain Baillie he might return if he pleased?

A. Yes; he might return if he pleased; after we examined the witnesses, we went into consideration of the charges for and against, that we might draw them out clear; then we ordered the room to be cleared because we thought it not a proper place to do business in, when we come upon that, with 20 people in it.

Q. Did Captain Baillie make any remonstrance at that time against being ordered to withdraw?

A. Not a single word about it, that I know of; certainly not.

Q. Did not Captain Baillie say he had more things to urge before the Committee, he wished to enter into proof of?

A. When Captain Baillie offered any thing before the Committee, it was entered into; there were some shirts that were not washed clean; I proceeded; we did not go there as washermen, but to enquire into the truth and regulation of the Charity; we did not look at them; we thought it not our duty to look at them; we paid 11, 12, 1400l. a year, for washing of linen; they have the proper Officers there, to take care of it; we suppose they do; it is their duty and interest; they can get nothing by not doing it.

Q. And therefore, when the complaint was made, you did not chuse to enquire into it?

A. We could not judge of washing a whole year, by a few shirts brought in upon a particular occasion.

Q. What other way could you judge of it?

A. Not by half a dozen shirts brought in.

Q. Could not you judge of it by hearing the evidence of the people?

A. We had the people that washed them; the reason we did not go into those particular things here, I have the honour to be one of the Directors, every complaint of washing, meat, brewing, every thing, when complaint has been made to the Directors, the witnesses have been called; they have been examined, and the Directors have taken it into consideration, and given proper orders to the proper Officers to see it properly done; therefore, I did not think there, as a member of the Committee, that we were to repeat that there again; every charge that is made, every complaint, let it be of what nature it will, the persons are summoned to meet at the next Court of Directors; they are to bring the proof with them, and the people charged to attend: that Captain Baillie knows; he has been there hundreds of times.

Q. Then you are to examine the persons that washed the linen, and not those that wore them?

A. We brought the proper people to attest they were well or ill done.

Q. Did you send for the pensioners that wore them?

A. No; it was not our business to send for the pensioners,

Q. Not

Q. Not upon enquiries that concerned them?

A. There are civil officers appointed for the purpose.

Q. Was it not your business to enquire into the complaints of the pensioners?

A. If they complained, we did.

Q. Did not Captain Baillie complain?

A. I don't call him a pensioner.

Q. Did he not complain in his book?

A. Excuse me about Captain Baillie's book; people that know Greenwich Hospital, and read that book, will not be surpris'd at any thing; I believe the linen had been looked into.

Q. But did the Committee look into it?

A. I believe they might; I did not, as Chairman of the Committee; we did every thing that was our duty; every thing that was required of us.

Q. But you don't know that it was done?

A. I don't.

Q. When you came to sign the report, did you mean to sign to the report of the days you was present only, and the days you was not present also?

A. I signed to the whole report.

Q. Without being present yourself?

A. I presume the Committee did, when I was absent, as when I was present, they were very accurate in their enquiries; they were very minute in every article; they cleared the room four or five times, and read over the Minutes.

Q. How do you know that, when you was not present?

A. I know it was so when I was there; I know it could not be otherwise by men of business.

Q. Though you was not there yourself, you are now telling us upon your oath, it could not be otherwise; that the gentlemen of the Committee, when you was not present, could not possibly do otherwise than be regular?

A. I do upon my oath declare, that I believe what I signed there to be exactly true.

Q. But do you know it?

A. I could not when I was not there.

Q. But you signed it?

A. Yes, I believe I did, and I believe we all signed it*.

Q. Do you recollect having been shewn patterns of cloth, to prove that the Hospital had been served with articles of a bad quality?

A. If your Lordships will permit me, I will go into the particulars of what we purchase of the different people for the use of the Hospital; when any thing is wanting, we advertise in the public papers, that at such and such a day, we will contract for such and such things.

Q. Confine yourself to what was done at the Committee; and whether you recollect there being shewn to you at the Committee, any patterns of cloth?

A. I don't recollect it.

Q. You don't recollect being a little warm upon the occasion?

A. I might be warm, but I don't recollect any thing particular about it; but I recollect I had reason enough to be warm with the behaviour of the people about me.

Q. When you went down the last day, the 7th day, how long did you imagine the Committee would sit?

A. They told me the Committee, before, that they certainly should get through the next day; they thought they should have done it the day before; I saw by the Minutes who had been examined; I saw by the examinations who were gone through, and there were only two or three things to do the last day of the Committee; and as I mentioned before, after we had gone through all the enquiries, I thought it necessary to call all the civil Officers in, to ask them a general question; if they had any complaints; if there was any ill behaviour; if there was any thing that had not been redressed; they all declared, which your Lordships will see in the report (their own words

very strongly expressed) no; after that we asked every gentleman separately, by himself, had they any complaints; they all said no; the Committee thought that it was necessary to adjourn to Salter's Hall, the usual place of our meeting in London, to summon all the Directors to read the Minutes of the Committee, in order to form a report to the Lords of the Admiralty.

Q. Had you no particular reason for putting an end to the Committee that day?

A. No, only because we had gone through every thing.

Q. Was there no reason because of the proceedings against Captain Baillie in Westminster-Hall?

A. I did not know any thing about it; I did not know that there was a trial in Westminster Hall, till it was over.

Q. You said you asked every body, whether they had any thing further to say?

A. Certainly.

Q. Did you ask Captain Baillie that?

A. He sat next to my right hand.

Q. Did you ask him that?

A. Not in particular; I asked if any gentleman had.

A. And did not Captain Baillie say he had something to say?

A. Certainly, nothing more than about the blind men; and his going out making such a declaration as he did, I supposed he meant to put an end to the Committee.

Q. Did not Captain Baillie say he had more witnesses to call, and begged to have them heard?

A. No; not that I recollect; I would have sat four or five hours, to have paid Captain Baillie any compliments.

[Mr. Barker withdrew.]

Mr. COWLEY called in.

Q. You attended this Committee at the desire of Captain Baillie?

A. I did.

Q. Had you any interest one way or other?

A. None, but the prejudices of friendship; I had a great pleasure in attending a Gentleman whom I conceive to be engaged in a cause of humanity.

Q. When the Committee closed, did Captain Baillie acquiesce to its being closed in the manner it was?

A. The whole was a scene of confusion; Mr. Barker's conduct was every thing, I conceive, to be arbitrary and tyrannical through the whole course of the proceedings; Captain Baillie declared the business was not gone through, nor one half through; for we had relied, during the last two or three days, much upon Mr. Cust's promises, which we did not doubt he intended to perform. When Mr. Barker had gone through a mode of business, which I was not able understand then, nor even now, what the distinctions were, they seemed calculated to puzzle, which they did me exceedingly, Mr. Barker desired we would withdraw; we pleaded the benefit of Mr. Cust's promises; some complaints were made of my behaviour; I wished to pay proper respect to the Committee, though not to their proceedings. Captain Baillie said, unless they would allow somebody to attend him, he could not attend at all; it appeared to me the Committee caught at that declaration with great eagerness; then I desire you will withdraw too; he did immediately, and never received any other message to be called in; several other Gentlemen were called in, in his absence, and we understood the proceedings were resumed; the order for him to withdraw was peremptory; we were told by Mr. Wells, as he was driving off, that the Committee would meet again to enquire into the matters concerning the Directors; but they would want nobody but themselves.

Q. When Captain Baillie was ordered to withdraw, did he object to the closing the Committee?

A. Yes;

* In page 91 it appears by the Report that was signed by Mr. Barker and Mr. Cust only.

A. Yes; and that he considered it as a violent arbitrary proceeding, to order him to withdraw; the whole was a very confused proceeding, and rather quarrel than argument, throughout the whole. Captain Baillie found that his evidence was generally refused to be called in; he pressed much the business of the blind men; that their minds were greatly disturbed; that it was a strong charge in his case; and as he told Mr. Barker, that as he could not be allowed to call evidence, it was ridiculous to say they sat there to enquire into charges, and not hear evidence through; the men were at the door; the reasons given seemed to be excuses why they should not be called in; that the Committee determined not to hear them; the expressions that have been stated to this Committee were not made use of, till after they were repeatedly and peremptorily refused to be heard. Mr. Baillie's mind was a good deal heated, by finding his evidences were not to be heard, and the words he made use of were the complaints of a man in a passion.

Q. Upon what ground did you imagine that Mr. Barker was only half an hour, or an hour, in the Committee the third day?

A. I have recollected a good deal since; I heard what Mr. Barker said upon that subject; he did not make much impression on my mind; when he attended, I believe, the third day, he might be longer there than an hour; it did not press much upon my mind; I mentioned it as a thing that happened half a year ago; Mr. Barker might attend earlier; but the Committee, in point of form, did not open till there were a proper number assembled; Mr. Barker might be present before. The Members of the Committee afterwards went to dinner; they staid a considerable time, and I recollect that Mr. Cust took notice of it afterwards; he said this method of staying dinner will not do; we must not think of dining any more; so that I am pretty clear, in point of fact, that a great deal of that time was short of actual business; how long Mr. Barker might be in Greenwich Hospital, or in the room, I am not competent to say, but that he was a short time in the room upon business, and therefore it did not impress my mind.

Q. What is your profession?

A. I was bred in my father's shop in the country, a bookseller and stationer.

Q. What business do you follow?

A. I am no other business than that; I don't follow the business.

Q. What business do you follow?

A. I don't follow particularly any business.

Q. You are not a country gentleman of a landed estate, are you?

A. No.

Q. Then you follow some business for your livelihood?

A. Yes.

Q. What is that?

A. I have the good fortune to have some benefit from the stage, from my wife's writings.

Q. What profession do you follow?

A. I was bred in my father's shop.

Q. Are you a writer yourself?

A. I certainly do write.

[Mr. Cowley withdrew.]

Tuesday, May 4, 1779.

The Rev. Mr. COOKE called in.

Q. Whether you was present at any conversation that passed between the Earl of Sandwich, Mr. Murphy, and Mr. Butler, in December last.

A. I was.

Q. Relate what passed at that conversation?

A. I was present with Mr. Murphy, Mr. Butler, and my Lord Sandwich; Mr. Murphy came there with proposals from Mr. Baillie; and I recollect that Mr. Baillie's proposals were for an equivalent

to be made him, that he might quit Greenwich Hospital; the proposals, as I recollect, were, that his suspension should be taken off; that he should stay in the Hospital a given time; that an equivalent should be made: I think these were the proposals that were made; when my Lord Sandwich heard those proposals, he gave little attention to them; Mr. Baillie said he would burn his papers, and give up his books and those sort of things in the presence of any body; Lord Sandwich said, I care not at all for your books and papers; Mr. Baillie has done as much mischief as he can; he can do no more; I don't wish to ruin Mr. Baillie nor his family; I should wish to have nothing to do with him; as to his family, I should have no objection, out of compassion sake, to do for them; I have nothing in the world to say to Captain Baillie as to his proposals about his books; he has done as much mischief as he can; it was mentioned its coming into Parliament; his Lordship said he was ready to meet it in Parliament, or any where else; that is pretty much what passed; there were subsequent meetings, I believe, that I was not at; I am clearly of opinion, that Lord Sandwich never could or would have listened to it, if it had not been out of mere compassion to his family; he did not consider the man himself in any respect, nor did he wish that it might not be brought forward; he rather wished that it might; and as to any office or employment that he should ask for, his Lordship said, he was very unfit for any; and I am sure he was moved to it by nothing but mere motives of kindness to his family.

Q. Have you done giving an account of what passed?

A. Yes; that is, as I believe, as much as I recollect of the matter.

Q. Do you know how Mr. Murphy came to that meeting?

A. No; that I do not know.

Q. Do you recollect nothing else that passed at that conversation?

A. No; I don't recollect at present; there might be something more pass, but I don't recollect any thing more at present; that is the substance of it, as much as I recollect, nor have I thought much upon it since.

Q. Do you recollect nothing passing relative to a Mr. Devisme?

A. Yes; that was what I meant with respect to his family, or any part of his family, out of compassion, that he might wish to serve, in case Captain Baillie quitted the Hospital, resigned, gave it up, or went away.

Q. Relate to the Committee the particular conversation, as near as you can recollect, the words that passed, without making your comment upon them?

A. I cannot do that; I can give you the substance of it; which I have done; Lord Sandwich was very ready to meet the enquiry; he had done every thing he could do; had nothing to give up; he had got it into Parliament, and he could not get it out of Parliament.

Q. Did Lord Sandwich say he had seen Captain Kirke?

A. I think Lord Sandwich did say he had seen Captain Kirke.

Q. What did he say he had said to Captain Kirke?

A. I do not remember.

Q. What did Lord Sandwich say Captain Kirke had said to him?

A. I did not hear Lord Sandwich say; it was a message I was much indisposed to listen to, for I did not like it at all.

Q. I am asking you what Lord Sandwich said, not what you were inclined to?

A. I wish to keep nothing from the House that I know.

Q. Do you say that you did not hear Lord Sandwich say, that he had spoke to Captain Kirke; and that Captain Kirke had no thoughts of Greenwich Hospital?

A. I

A. I do not recollect that.

Q. You did recollect that Lord Sandwich had spoke to Captain Kirke?

A. He said he had seen Captain Kirke, and had spoke to him; but I do not recollect what Lord Sandwich said had passed between them.

Q. It is extraordinary that you should recollect that Lord Sandwich had said he spoke to Captain Kirke, and yet you should not recollect what he said had passed between them?

A. I do not recollect that.

Q. Do you recollect, whether Lord Sandwich said the Directors of Greenwich Hospital had said, they would not act with Captain Baillie?

A. I did not hear Lord Sandwich say that; I can answer for one, as a Director, that I would not; I did not hear Lord Sandwich say that; he might say it; but I did not hear him.

Q. Did you hear Lord Sandwich say, he must quarrel with them, or Captain Baillie?

A. I did not hear Lord Sandwich say the least like that?

Q. Did you hear Lord Sandwich say, that there was in Captain Baillie a great deal of right and a great deal of wrong?

A. No; I have heard Lord Sandwich say there was a great deal of wrong in him?

Q. But you never heard him say there was a great deal of right?

A. No; I never have.

Q. What did Lord Sandwich say he would do, out of compassion, to Captain Baillie and his family?

A. That he did not wish to ruin Captain Baillie; to send him into the world a beggar, and in want; I believe Lord Sandwich's compassion and goodness would have gone so far as to do something for his family.

Q. I am not asking what you think Lord Sandwich would do for his family; but what did Lord Sandwich say he would do for his family?

A. I believe Lord Sandwich would do something for his family.

Q. Did Lord Sandwich, by any words, express a disposition to do any thing for Captain Baillie?

A. Not for Captain Baillie; but for his family.

Q. What to do for his family?

A. That he wished to serve Mr. Devisme.

Q. How?

A. It was his proposition, as coming from Captain Baillie himself, through Mr. Murphy; I have always understood it came from him, that he wished Mr. Devisme might be made a Commissioner of Victualling, in the room of Captain Kirke.

Q. What did Lord Sandwich say to that subject?

A. I don't recollect what he said to that subject.

Q. Do you recollect whether Lord Sandwich said, that if Captain Baillie would resign, that he would make his half-pay 600l. a year?

A. I never heard him say any such thing. Captain Baillie said, he thought his place worth 600l. a year.

Q. Captain Baillie was not there.

A. I am speaking of the proposal that came from Captain Baillie; for I look upon those proposals to come from him, through his Counsel and through his agent.

Q. Give an account of what the agent said then.

A. The agent said Captain Baillie looked upon his place to be worth 600l. a year; but I could not imagine that Lord Sandwich could mean to give him 600l. a year.

Q. I don't want to know what you imagine; I desire to know nothing about your imagination; but what passed. Did Lord Sandwich say any thing upon Mr. Murphy's saying, he imagined the place worth 600l. a year? What did Lord Sandwich say to that?

A. I do not recollect.

Q. Do you take upon you to say, that Lord Sandwich did not, in that conversation, say he would

make up his place 600l. a year, if Captain Baillie would resign his employment?

A. I did not understand Lord Sandwich to say any such thing.

Q. Will you take upon yourself to say he did not say so?

A. I will not take upon myself to say so; I did not understand him to say so.

Q. Will you undertake to say he did not say so?

A. I do not recollect it; but I will undertake to say I did not understand Lord Sandwich to say, that he would give equal to 600l. a year.

Q. Did you hear Lord Sandwich say, he thought that the valuation of Mr. Murphy a fair valuation of Captain Baillie's place?

A. No; I did not hear him say that.

Q. You did not hear Lord Sandwich say, he thought Mr. Murphy, in stating Captain Baillie's place worth 600l. a year, stated it a fair valuation?

A. I did not; Lord Sandwich knows the value of the place.

Q. I am not asking you what Lord Sandwich knows; but what you heard in that conversation. Whether you did not say, at that conversation, that it must be expected that the report of the Committee should be printed without any reply?

A. I did say that; I thought that the report should be printed, in case any thing was settled with respect to that negotiation; that on the part of the Directors, on the part of the individuals, and the Officers of the House, that it should be printed, as a justification of their characters.

Q. And did you not say, that it must be printed without a reply from Captain Baillie.

A. I said no such thing as without any reply.

Q. Then, of course, as you did not say that, you do not recollect, whether Mr. Murphy, in answer to that, said, that the report was already printed, in two columns; that therefore it might be depended upon that Captain Baillie would print a third column?

A. I remember no such thing.

Q. Do you recollect, whether Lord Sandwich said that if Captain Baillie did not resign his office, he should look upon it as a flag of defiance?

A. I never heard Lord Sandwich say any such words.

Q. That he would turn him out, and he must take the consequence?

A. I never heard him say such words.

[Rev. Mr. Cooke withdrew.]

Mr. BERTELS called in.

Q. What profession are you of?

A. A painter and a picture-cleaner.

Q. Have you much business in the way of cleaning pictures?

A. I do a great deal.

Q. Do you know the paintings of Greenwich Hospital?

A. I do.

Q. If they had been advertised to have been cleaned, for what sum would you have done it?

A. For about 400l.

Q. If you had been required to give security for doing it in a proper manner, so as not to have hurt, or damaged the pictures, would you have undertaken to give security for so doing?

A. I would.

[Mr. Bertels withdrew.]

JOHN GLASS called in.

Q. What is your station in Greenwich Hospital?

A. I am in none at present; I am turned out of the House for life.

Q. What was you in Greenwich Hospital?

A. A Boatswain of the Painted Hall.

Q. What was you turned out for?

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A. The

A. The greatest reason that I think is, I had two summonses from your Lordships; the first was from the Rev. Mr. Cooke, as I was told, therefore I was certain that I could say nothing with regard to that side, but Captain Baillie's; as I had given my affidavit of the expence of cleaning the Painted Hall, concerning the workmen's wages, I had given an account of that, and attended this House. Mr. Pickton, the Boatswain of the Infirmary, brought me a summons from the House of Lords; he said it came from the Rev. Mr. Cooke; I was amazed I should have a summons from him; that was on the 24th. On the 25th I had another; that was brought by the Messenger belonging to Greenwich Hospital; when I came from dinner, I had the summons given me by one of my partners; he said, it came from Mr. Herbert, the Messenger of the House at Greenwich; that summons coming, as I imagined, from Captain Baillie, I thought I was to attend to strictly; and, because I attended to that, it was one of the reasons why I was turned out of the Hospital for life; upon the account that I did not attend to the Rev. Mr. Cooke's summons.

Q. Are you turned out?

A. I am.

Q. What was the complaint, that was entered into the Complaint-book, against you?

A. After not attending to Mr. Cooke's summons, Mr. Mylne, the Clerk of the Works, happened to come in, upon the 6th of March; the Painted Hall had been cleaned for the Sunday's service; it is made into a temporary Chapel since the fire; a strange dog came in, I did not know it was Mr. Mylne's dog, he came in after Mr. Mylne, I did not suppose it was Mr. Mylne's dog, or I would not have turned him out; it was my order to keep dogs out, because it had been cleaned for the Sunday service. Mr. Mylne was swearing, in a violent manner, at the workmen, that were doing the curtain, to stop the sound of the echo; I went in, at the same time, and I took my great coat, and went to hunch the dog out; upon that, Mr. Mylne left off his conversation with the workmen, and said to me, that is my dog, I will have my dog taken care of as well as myself; he doubled his fist at me, and advanced two steps towards me, and called me a son of a bitch, and, more than that, said I was a damned impertinent scoundrel; I said it was more than any gentleman in the Hospital would say; Mr. Mylne was not satisfied with that, but went out and returned again in a few minutes; I was standing with my back to the northward; he came up, with a frown upon his brow, and anger in his countenance; he said to me, what is your name? I said, John Glas; he said, I know it well, and doubled his fist at me again.

A little after that, on the 10th of the month, I happened to be upon my duty at the Painted Hall, Mr. Fortye, the last Lieutenant appointed, came in with a young lady to play the organ, and some more gentlefolks with them; the sound of my voice, when I was giving the explanation of the paintings to the company, drowned the organ; if I had known they were upon a party of pleasure for music, I would not have begun upon that duty; Mr. Fortye said, leave off; I left off immediately; I obeyed him as being a Lieutenant.

There is a rule, when a stranger comes, to shut the Upper Hall door; for if that door is open, a stranger will go up to see the paintings there; I pulled to the door and shut it, as I had done before; in so doing, the Rev. Mr. Maule, who was in the Hall at the same time, said to me, what is that for? I said, it was my orders. That your orders? I said yes; and I have received it from different gentlemen in this House, and therefore I do no more than I have done before. I locked the door, as I often have done; but one fault I did, in taking the key out and putting it in my pocket; I acknowledge that as a fault. The Rev. Mr. Maule said to me, open the door; I own I disobeyed him the first time; but the second time I

took the key out of my pocket, and opened the door; then I obeyed the Rev. Mr. Maule.

The next day following, I came up to attend your Lordships, according to my summons; Captain Maplesden came into the Painted Hall; my poor wife came to take my two quarts of beer, and she heard the noise, Where is John Glas? They told him, I was attending at the House of Lords, according to my summons; he said, I was to do no more business there as Boatswain. When I came home, my wife gave me that joy. Poor woman, she kept up her spirits. But if he is broke, says she, it is for no harm. When she told me of it, I said I could not help it; perhaps something else would come by and by. I went to Mr. Lane, the Porter that hires us to shew the paintings, and pays our wages; I said, I understood I had been broke, since I had been up at the House of Lords; he said, I am sorry for it, for you are partly my main beam; I entrusted you, and found you honest.

I came up again, on Friday, to attend the House of Lords; I was sworn that day at the bar. I went on Saturday to Captain Maplesden, our new Lieutenant-Governor's house. What do you want? I am John Glas; I came to know whether you have broke me as being Boatswain; he said he had; and it is my positive orders that you shall do no duty there. I said Sir Charles Hardy made me, and I have been told it depends on him to break me. The next day, when the people came up here, to see your Lordships going to the House, myself and my brother pensioners said it was a great sight; I came up, and thought it was a noble one; some of the Nurses clapped their hands together, and said, God Almighty bless your Lordships! God bless Captain Baillie! Captain Baillie for ever! Truth and justice, and no alteration of the Charter! These were the words they said. When I saw his Royal Highness the Duke of Cumberland, I pulled off my hat, and gave three cheers, as I knew the livery; that was another great offence.

On the Saturday following, I was sent for to Captain Maplesden's apartments, where I found Captain Chads, Captain Lynn, and Lieutenant Besson. I was accused then; there was a person to write against us as rioters, and we were accused of that which I will do again; when I see any of the Princes of the Blood, I will give them three cheers, or any Lord. Lieutenant Besson said, he did not see that I was to blame, for that I was no duty Boatswain, nor Mate; I said, I was summoned to be there, that there was no mob, but only a collection of poor old geese, as we are stiled at Greenwich, come to see your Lordships come to the House, and we were very well pleased. Captain Maplesden said, why did I not disperse the mob? Was it supposed that I could disperse the mob, when six Boatswains could not do it; they went into their ranks again, and stood just as if they were to face the French. I was reckoned a bad man, and a riotous person; that was another great part of my offence. At present, I have neither victuals, nor drink, nor money; I have the air to look at, and a wife to support.

Q. How long have you been at sea?

A. Nineteen years; and I should have been at sea nineteen years more if I had not lost the use of my right hand (*holding up his hand*). I have been up the Streights with the Duke of York; I have been five years in the Hospital, and was never complained of before.

Q. Did you keep an account of the cleaning and repairing of the paintings?

A. I did.

Q. What did it amount to?

A. About one hundred and seventy pounds, with regard to the workmen's wages.

Q. How do you know what their wages were?

A. The people employed, told me, and Mr. Davis's sons have told me themselves.

Q. Did you keep an account of that time?

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A. I did.

Q. And from the accounts of their time, and the wages that Mr. Davis's people told you they worked at, how much do you say it amounted to?

A. One hundred and seventy odd pounds, letting alone materials, only bare wages to different workmen.

Q. Was you desired to keep such an account?

A. No, not at all; I kept it for my own satisfaction, as I heard 1000l. was to be paid for it; the workmen, and several gentlemen that came in, said it was a very fine job.

Q. What did they mean, by saying it was a fine job?

A. For Mr. Davis to clear so much money as they supposed he did; they looked upon it, it might be done for about 400l. a gentleman said he was a judge of painting.

Q. What was it supposed Mr. Davis was to receive?

A. A thousand pounds.

Q. And, by your account of the workmen, how much did you say it cost?

A. One hundred and seventy odd pounds.

Q. Did any body find fault with you, for taking this account?

A. Nobody at all.

Q. And are you now quite turned out of Greenwich Hospital?

A. Yes; I am entirely.

Q. Was it by the Council?

A. Yes, I was present; I was dismissed ten days before I was tried with regard to the dog, and opening the door with an air of impertinence, as it was called, and leaving off the explanation when I was desired.

Q. And the other time was for attending this House?

A. Yes; I went to the Council to answer charges alledged against me; I stood an hour and half; Lieutenant Fortye gave his evidence against me, that I had behaved in an insolent manner; and he owned, at the same time, that I left off when he desired me; therefore, I think, I obeyed him. The Rev. Mr. Maule was the next evidence against me; he said, I would not open the door the first time he desired me; which I own was a fault. I was ordered then to speak in my own defence; but I am before my story; Captain Maplesden said, What did he say? What was his impertinence? What was his bad behaviour? Lieutenant Fortye said, I said nothing, but muttered. I leave that to your Lordships whether that is saying any thing. I was ordered, by the Council, to beg pardon, which I would have done willingly; I was to be broke from my place, as being Boatswain of the Painted Hall; but that was not thought sufficient; that would not do; but I must stand three meat days in the pillory, before the body of the pensioners.

Q. Is it usual in Greenwich Hospital, to put people in the pillory for the first offence?

A. The first offence is always forgiven by the Council.

Q. Was this your first offence?

A. Yes, it was, and yet I was ordered to be in the pillory three meat days, besides begging pardon, and being broke from being a Boatswain.

Q. Did you refuse that?

A. The pillory I did; the rest I agreed to; I would not stand in the pillory, as I was ordered to give evidence the next day at your Lordships Bar; because I thought the pillory a thing for a rogue; that was my great objection against it.

Q. Who were at the Council?

A. Captain Maplesden, Captain Lynn, Captain Chads, Lieutenant Fortye, Lieutenant Kerr, the Reverend Mr. Cooke, the Reverend Mr. Maule, and I believe Mr. Godby came in now and then, to give his approbation. I would not do that, then said Captain Maplesden, you must take the consequence; then

said I, so I will; he said the consequence is, you will be turned out of the House; I said, I am sorry for it. I was ordered to come to the Council next week; Lieutenant Moyle came out, and said, I am Lieutenant of the Week; he said, will you agree to what the Council have ordered? Will you beg pardon in that manner? I said I would do every thing but stand in the pillory; Lieutenant Moyle sent for the Regulating Boatswain, who came presently after, with a couple of centinels with halberts, and the mate of the guard; I said to one White, What is this for? Have I been guilty of any theft or misdemeanor, that I am to be ranked out between hundreds of men? Two or three men that had been so guilty, had not been ranked out in that manner, but went out voluntary. Captain Maplesden came out and said, it is our pleasure you should be ranked out in that manner, for not doing as we desired you; Captain Lynn came out, and said very kindly to me, 'Were it in my power I would hang you.'

Q. You need not go on with that part of the story; you was entirely turned out of the Hospital?

A. Yes; ever since the 20th of last month.

Q. Is it usual for Boatswains ever standing in the pillory?

A. I never knew an instance of a Boatswain's standing in the pillory since I have been in the House.

Q. How came you to go to take the advice of Counsel, the Governor, Admiral Hardy, was the only person that could turn you out of your place?

A. If those gentlemen that sat at the Council took that power out of Sir Charles's hand, I cannot answer for that.

Q. How came you to ask Counsel's advice?

A. By order of the Lieutenant of the Week.

Q. When was that?

A. The 22d of last month.

Q. And you mentioned, upon a former occasion; that you applied to Counsel, to know whether any body but Admiral Hardy could turn you out?

A. Before I was on the Painted Hall duty, I was a White Frock Man; and some of the pensioners would sometimes come, when the beer was bad, and would find fault with us; we used to tell them we could not redress it, but they must go to the Officers belonging to the House; I was at the Council with regard to that, and gave my evidence at the Council with regard to the beer; the beer was very bad.

Q. You meant the Council of the Hospital; did you?

A. Yes.

[John Glass withdrew.]

CHARLES BUTLER, Esq. called in.

Q. Whether you was present at any conversation between Lord Sandwich and Mr. Murphy, upon the subject of Captain Baillie?

A. I beg leave to submit to your Lordships, that it is impossible for me to answer that question. I know nothing at all on this subject, but what I know as Counsel for Lord Sandwich; and therefore, I conceive it would be improper for me to answer that question; at the same time, I beg leave to observe, that it does not proceed from the least want of respect to this House, but from what I have been told is a professional duty.

Q. Earl of Sandwich. I am exceedingly desirous that Mr. Butler should answer; and if it is out of any delicacy to me, that he refuses to answer, I totally absolve him from any such obligation; and it is my desire he will suffer himself to be examined; I absolve him from any engagement of secrecy he may have to me.

A. I am very sorry to be so exceeding troublesome to your Lordships; but, as in the course of this business of which I am now called upon to give an account, the greatest part of what I know, I also know from a communication with the Counsel of Captain Baillie;

Baillie; I conceive I am not at liberty to speak, unless I have also the consent of Captain Baillie.

Q. I beg to know whether you are of the profession of the law?

A. I am.

Q. Have you taken the oaths?

A. That, I should apprehend, is a question which this House will have the humanity not to ask of me, because it leads to an explanation rather inconvenient to myself.

Captain BAILLIE called in.

Q. Have you any objections to Mr. Butler declaring any thing he knows concerning the transaction between Lord Sandwich and you?

A. I have no secrets in this business.

Q. Are you desirous that both Mr. Butler and Mr. Murphy should be examined?

A. I wish exceedingly they may be both examined.

Mr. Butler sworn at the Bar. I hope your Lordships will excuse me in mentioning, that as I have now the express consent to be examined of Lord Sandwich and Captain Baillie, whether I am to be called Counsel or Attorney, I wish to wave, because it is waved by the parties.

Q. Was you present at any conversation between Lord Sandwich and Mr. Murphy on the subject of Captain Baillie.

A. I was present at a conversation between Lord Sandwich and Mr. Murphy on the occasion; but I believe it will be difficult to explain that conversation, unless I also explain the steps preceding it; and if your Lordships will give me leave, I shall be glad to mention all I know upon the subject—About the beginning of the month of last December, being at Serle's Coffee-house, in Lincoln's Inn, (a Coffee-house much frequented by lawyers) Mr. Murphy came in; we discoursed together on various subjects; and, at length, upon the subject of Greenwich Hospital; but which first mentioned that subject, I am at present at a loss to recollect; I believe your Lordship can recollect a topic of conversation that was, about that time, very frequent even among your Lordships, the very great display of abilities that a young gentleman of the profession of the law had made on the argument concerning Greenwich Hospital, in the Court of King's-Bench; as far as my recollection now serves me, it began by a conversation relative to that gentleman; I had not been present at the argument, and therefore it is probable I might ask Mr. Murphy, whether that gentleman was entitled to the great reputation he had acquired; it is exceedingly probable the conversation might begin upon that subject, though I do not recollect it exactly, and that it might go on to the Case of Greenwich Hospital; in the course of that business, Mr. Murphy said he was exceedingly surprised that Lord Sandwich did not accept Captain Baillie's offer of retiring for an equivalent provision; that to ruin Captain Baillie would be beneath Lord Sandwich; to make a provision for him would be generous; and he wondered his Lordship did not do it. I asked him if Captain Baillie was in earnest, in that proposal. Mr. Murphy's answer was, that to be consistent with himself, he must be so. I told him that I frequently had the honour of seeing Lord Sandwich, and, if it was his desire, that I should mention what had passed between us to his Lordship, I would do so; he accordingly, not only consented, but desired that I should do it; I wrote to his Lordship, that I had some particular business to communicate to him, and begged he would appoint a time when I should wait upon him; his Lordship appointed me to breakfast with him the next day; and I accordingly waited upon him; I cannot immediately recollect the day of the month; and though I have taken some pains to find it, I have not been able; but I should imagine it was about the 10th, 11th, or 12th (but I may be wrong as to two or three days) of the month of December. In consequence of this desire, I waited upon his Lordship;

he heard me relate the conversation which had passed between Mr. Murphy and myself the preceding day; it is impossible to be more averse than his Lordship was to proceed at all upon the business; but upon my representing to him, that Mr. Murphy was a man of a very respectable character, his Lordship consented to give him, through me, an answer to what had passed the day before between us; his Lordship said, however disrespectful, ungrateful, or ungenerous, Captain Baillie's conduct might have been, he really did not wish to ruin him, or to add to his distresses; but Captain Baillie had made himself so exceedingly odious to every person in the Hospital, and his stay there would be such an infinite source of discontent and division, and was so directly contrary and incompatible with the peace and welfare of the Hospital, that it was impossible to continue him in the Hospital any longer; if, therefore, he would consult the peace and welfare of the Hospital so much, as to retire immediately, and resign all his offices and employments there, that he had no objection to make him some provision; he said he would not see Captain Baillie on any account or pretence whatever; but that he had no objection to see Mr. Murphy. I communicated these proposals to Mr. Murphy the same day; and, at the same meeting, the following proposals were dictated to me, by Mr. Murphy:

Q. How did you communicate to Mr. Murphy what Lord Sandwich said?

A. By word of mouth; when I came into Mr. Murphy's chambers, Captain Baillie and his brother (as Mr. Murphy has since told me) happened, by accident, to be at Mr. Murphy's chambers; when I came into Mr. Murphy's chambers, those two gentlemen retired into another apartment; I told Mr. Murphy what had passed between Lord Sandwich and myself; and this proposal was immediately dictated to me by Mr. Murphy.

"Captain Baillie, upon having his suspension taken off, and receiving the intermediate profits, and being permitted to stay in the Hospital for a given time, will then resign his office, an equivalent provision being to be made for him; he considers his place in the Hospital at 600l. per annum; being desired to point out a mode, he thinks it may be done in the following manner: he understands Captain Kirke, a Commissioner of the Victualling Office, would prefer to be the Lieutenant-Governor of Greenwich Hospital; he therefore may be appointed in Captain Baillie's room; and Captain Baillie will be content to retire on his half-pay, if his son-in-law, Mr. Devisme, is appointed a Commissioner, in the room of Mr. Kirke; or a Commissioner's place, at Minorca, for himself;—in this case, he will do whatever is in his power to prevent any farther disturbance on the subject; and the remaining copies of the printed Case shall be destroyed in the presence of any person that will attend for that purpose. He hopes there will be no more printing on either side."

This proposal was dictated to me by Mr. Murphy, and which I communicated to his Lordship.

Q. Is that paper in your hand-writing, or in Mr. Murphy's?

A. In my hand-writing; it is what Mr. Murphy immediately dictated; I am at present at a loss to say, whether it was taken from a paper I copied immediately under his eye, or whether he dictated it; I believe it was partly the one, and partly the other; but as soon as I copied it, I read it; there is also in this paper some words, which I should mention to your Lordships, which are as follows:

"Memorandum, to explain to"—(which was Lord Sandwich) "the purport of the first and last article."

That is a memorandum which I made at the time, only for my own observation, as this was not the thing meant to be immediately delivered in to his Lordship. I immediately sent that proposal to my Lord Sandwich. I received, the same day, a letter from

from him, desiring that Mr. Murphy and myself would attend, at his Lordship's house, the Sunday following; I believe it was the next day but one following; but, however, I recollect it was the Sunday following; accordingly, Mr. Murphy and myself waited upon his Lordship.

Q. Did you send a copy of that letter to my Lord Sandwich?

A. This is the direct paper which I sent to his Lordship; in consequence of this, Mr. Murphy and I waited upon his Lordship, Mr. Cooke was also present; his Lordship told Mr. Murphy, that Captain Baillie was a man with whom he could have no connection, or transact any business, but that he had formerly been concerned in business, in which Mr. Murphy had been employed; he also said he knew him very well from his character, and therefore considered him as a man, on whose honour and integrity he could rely; he also said, that whatever motives of complaint he might have against Captain Baillie, those motives really had at that time no kind of weight with him; that his presence in the Hospital, was grown to be such a great obstacle to the peace, welfare, and good government of the Hospital, that it was impossible he should continue there any longer; that he had received formal complaints against Captain Baillie, from every order of men in the Hospital, and therefore it was not in his power to continue him, if he meant to act for the welfare and good of the Hospital, but he did not wish to ruin him; if Captain Baillie would so far consider the peace and welfare of the Hospital, as to retire immediately, and resign all his offices and employments, he had no objection to make the provision that was mentioned for Mr. Devisme, or for any of Captain Baillie's family; his Lordship then read the proposals, which I have had the honour of reading to your Lordships. He said, that with respect to what Captain Baillie had mentioned of Captain Kirke, he believed he was much mis-informed, as Captain Kirke did not wish the change which was there mentioned, and with respect to a "Commissioner's place at Minorca, which Captain Baillie mentioned for himself, he could not give him that place, or give him any place where he would have to act in concert with any other person, as he knew, from long experience, that Captain Baillie's temper was so singularly unhappy and intemperate, as to make it impossible for any mortal to live with him *;" but with respect to the provision for Mr. Devisme, whom he had heard was a more temperate man, he had no objection to make some provision for Mr. Devisme.

Mr. Murphy took occasion to say, what he thought would excuse or recommend Captain Baillie's conduct, upon his mentioning Captain Baillie's offer to give the copies of his printed Case, and also the use of the affidavits; Lord Sandwich said, that with respect to his printed Case and affidavits, and his conduct in every other respect, he was quite at liberty to act as he pleased, that matters had gone so far, that Captain Baillie at present had nothing in his power; that with respect to an enquiry into his administration of Greenwich Hospital, either in Parliament or elsewhere, he rather wished to bring it on, than sought to avoid it; and as matters then stood, if Captain Baillie was ever so desirous of wishing to prevent this enquiry, that it was impossible in him to be of the least service in doing it; he therefore said, he had nothing in his power to offer; however, as he did not wish to ruin him, and as getting him imme-

diately from the Hospital, would be contributing very essentially to the good and welfare of the Hospital, if Captain Baillie would so far co-operate, as to contribute to that essential advantage, he would make him the provision which he before spoke of for Mr. Devisme, or any of Captain Baillie's family; upon this we parted.

I believe it was the day after, or the day next but one, but I cannot immediately say; this proposal is dated the 12th of December, which I mentioned to your Lordship; and the conversation, which I am now about to communicate, was, I believe, on the 16th, and that conversation was held at Mr. Murphy's chambers, at which Captain Baillie, Mr. Murphy, Captain Baillie's brother, and myself, were present. Mr. Murphy repeated to Captain Baillie what had passed between his Lordship and myself at that meeting; he also mentioned to him what had passed between us at the meeting at the Coffee-house. However, from the manner in which he mentioned it, I thought that his mentioning what had passed between us at the Coffee-house, was rather to have my approbation; that he repeated it in a more faithful manner, than that it was the first time he had communicated it to Captain Baillie: it seemed to me that he had repeated it before to Captain Baillie, but was then repeating it before me, that I might contradict any thing, if it was represented improperly; there was nothing represented improperly by him, therefore I contradicted nothing; there was a great deal of conversation passed between the two Mr. Baillies, Mr. Murphy, and myself, respecting the business before us; but, however, it ended in the following proposal: (I have endeavoured to recollect every thing else material; but I do not recollect there was any thing else material;) the whole conversation ended in this second proposal, which was also dictated by Mr. Murphy; whether dictated to me, or copied from a writing he gave me, I do not pretend to say; but after I had written it, I read it over to Mr. Murphy, and he approved of it.

"Captain Baillie, upon having an equivalent made him, is willing to resign his Office of Lieutenant-Governor of Greenwich Hospital, which provision may be either to him or Mr. Devisme, as before-mentioned; but the resignation is not to be made till the compensation is given. Captain Baillie wishes to have a ship, though it be but for one cruise, in order to go out of the Hospital with credit, and to receive the emoluments of his Office, till the compensation is given, nothing done in this business to keep the service from being open to Captain Baillie on any occasion."

There is also upon this letter, which I sent with the above proposal to my Lord Sandwich; I don't know whether your Lordship will chuse it should be read, but if you do, I will read it.

Earl of Sandwich. Read it, read it.

Mr. BUTLER read the Letter as followeth:

"My Lord, the above is the proposal delivered in by Captain Baillie to Mr. Murphy and myself, and desired by him to be delivered to your Lordship; he was particularly solicitous that it should not be shewn to Mr. Cooke, or Mr. Ibberson; and that when I had the honour of waiting again on your Lordship to receive your Lordship's sentiments upon it, that Mr. Cooke should not be present. The answer to his book is ready for

* This illiberal attack upon an Officer, whose character is his life and fortune, originating only in the mind of Lord Sandwich, is not confirmed by a single instance of misconduct on the part of Captain Baillie, in the course of forty years service, and amounts to only hearsay evidence at the best, of what Mr. Murphy and Mr. Butler said they had heard Lord Sandwich say; yet his Lordship was pleased to declare afterwards in his speech, that he had not attacked Captain Baillie's character as an Officer, for he knew nothing of him as such, good or bad; it would therefore have been honourable in his Lordship, to have said so on the spot, when these assertions were made. Can there be any greater imputation upon the character of a man, especially an Officer, than the words (marked with inverted commas), echoed by Mr. Butler from the lips of Lord Sandwich? Upon the whole, it is hoped, the greater part of this harangue will be considered as extraneous matter, quite foreign from the purpose, artfully introduced to injure the character of an Officer, because no other mode could be devised.

" the press; I am to read it over to Mr. Ibbetson to-day, and to Mr. Cooke to-morrow.

" I have the honour to be,

" With great respect,

" Your Lordship's obliged and humble servant,
16th December, 1778. CHARLES BUTLER."

In consequence of this letter being sent to Lord Sandwich, I waited again upon his Lordship; his discourse was in every respect the same as it had been the day before; he said, that with respect to his book, and his affidavits, and his conduct in every other respect, he was at liberty to act as he pleased; that the present situation of Greenwich Hospital was such, that it was impossible to keep Captain Baillie any longer in the Hospital, consistent with his duty to the Hospital; that if Captain Baillie would resign all his employments, and retire immediately, it would be doing an essential service to the Hospital; and he would so far consider it as to make the provision, which he before spoke of, for Mr. Devisme, or his family; that if he did not resign his office and his employments, he should consider it as a defiance of his right to remove him, and should proceed accordingly; that at all events he should quit the Hospital, where his presence was absolutely incompatible with the good government of the Hospital, and the peace and happiness of those that were in it; the day after, I believe, it was; if I should be mistaken in a day (I am sure I shall be excused) I communicated what had passed between us to Mr. Murphy, at Mr. Murphy's chamber, at which Captain Baillie and Mr. Murphy were present; I also believe (it is difficult to remember at this distance of time, as I did not immediately attempt to recollect myself;) that Mr. Baillie's brother was also there at the second meeting; but whether he was, or not, I am at a loss to say; I believe it is immaterial; but I wish to express myself with as much accuracy as I can; I communicated what had passed between them to Mr. Murphy and Captain Baillie; a great deal of discourse passed upon that subject; Mr. Murphy recommended Captain Baillie to retire on the faith of his Lordship's promises, in which I also joined him, as I pitied much the case of Captain Baillie; however, it did not seem proper to him to do so; in consequence of which the meeting broke up. Captain Baillie himself, and his brother (whether it was this, or another time, but he once, I am sure, was in company) they both expressed themselves perfectly satisfied with my conduct, and in the part I had taken in the business, and we parted seemingly on very good terms; there are some other circumstances I beg leave to mention to your Lordships; the first time I had the honour of meeting Captain Baillie at Mr. Murphy's, the two Mr. Baillie's were present. Mr. Murphy told them, that what he was about to communicate to them was under the seal of secrecy, and a perfect confidence of honour, that whatever the event of the business might be, or whatever turn it might take, neither party should take, or attempt to take, the least advantage of it. I understood from Mr. Murphy, at the time, that the first time he had spoken to Captain Baillie on the subject (for he had spoken to him previous to our meeting together) that secrecy was enjoined.

Q. What had passed between Mr. Murphy and Captain Baillie, is only hearsay?

A. The first time I saw Mr. Murphy at Serle's Coffee-house, we had general discourse between us; that what then passed was to go no farther; and that no kind of advantage or use should be made of it; when I met Captain Baillie and his brother at Mr. Murphy's chambers, the same discourse passed between us; and Mr. Murphy told them, that whatever turn the business might take, neither party was to take the least advantage of it, to which Captain Baillie and his brother solemnly assented; the last thing that was done at our last meeting, was to renew this declaration, and it received the same agreement

on all sides; and I am sure, on mine, it has been very religiously observed at one of our meetings; but whether it was the first or second, I cannot immediately recollect; I mentioned, I believe, to Captain Baillie, at least it was mentioned, and I believe it was I who mentioned it, as I do not believe any body else in company then knew it, that there was in the press a publication of the Report of the Committee, to which publication Captain Baillie seemed exceedingly averse; I told him that I thought it was but proper, as he had attacked the characters of many individuals by one publication, they should be at liberty to defend their characters by another; Captain Baillie seemed exceedingly to object to this publication. However, that the business did not go on, was not owing in any wise to any difference of opinion in this respect; had it rested with me, I am very certain that it would not have been any material difficulty in the treaty; for I should have advised the parties, whether they would have accepted my advice or not, I am at present at a loss to say, but I should have recommended to them not to have published the report, provided other matters had been settled: but as it was a kind of running treaty, I cannot express myself upon that point; I am certain, as far as I am able to judge, it appeared to me to go off upon this ground, that Captain Baillie was persuaded erroneously, as I told him, at that time, that he could hold his place in law, and therefore would not retire till he was put in the actual possession of an equivalent; I have now done with the whole I have to say on this business, except two points I see I have neglected to mention, which are, that I am perfectly satisfied that the meeting at Serle's Coffee-house was, on Mr. Murphy's side, perfectly accidental; and I can assure your Lordships it was perfectly accidental on mine; Mr. Murphy arrived that very morning out of the country on a sudden business; he stopt at the Coffee-house before he went to his chambers; we had frequently talked together at the Coffee-house before, and it happened we talked then; however, on my side, it was perfectly accidental, and I had not the least direction, with, or desire of my own, to talk with Captain Baillie, Mr. Murphy, or any of Captain Baillie's friends upon the subject; I am sufficiently conversant with business, to know that any sort of undertaking in that way, is attended with more danger to the party concerned, than it can with any advantage.

Q. I understood you, that Lord Sandwich said he had talked with Mr. Kirke, and Mr. Kirke had no thoughts of Greenwich Hospital?

A. Lord Sandwich did not say he had talked with Captain Kirke; Lord Sandwich said he believed Captain Baillie was mis-informed upon the subject; I understood that my Lord Sandwich either knew or believed that Captain Kirke would not consent to any such exchange, but I never heard that he had talked with Captain Kirke on the business.

Q. Do you recollect whether Lord Sandwich said, in that conversation, that the Directors of Greenwich Hospital had declared they would not act with Captain Baillie?

A. It is difficult, at this time, to say that he made use of those express words; the words, as far as they strike me, were, that he had received formal complaints from every order of men in the Hospital; but those particular words, or words of the same effect, I believe Lord Sandwich did not make use of.

Q. Do you recollect that Lord Sandwich said, that such being their resolution, whether right or wrong, he must quarrel with them, or with Captain Baillie; he would not quarrel with the Directors?

A. I do not recollect that Lord Sandwich made use of the first part of the declaration; but, as far as my recollection serves me, Lord Sandwich said, that matters were now in such a situation that it was incumbent on him, either to quarrel with the Directors, or with Captain Baillie; and that he should make no doubt of

of preferring the Directors to Captain Baillie; or words to that effect.

Q. Do you recollect whether Lord Sandwich said, that there was a great deal of right, and a great deal of wrong, in Captain Baillie?

A. Lord Sandwich said, that he believed Captain Baillie, in the first outset of this business, might have some good intentions; as far as I can recollect, his Lordship's expression was, that these good intentions, such as they were, were always counteracted by a very uncommon twist of understanding.

Q. Do you recollect whether Lord Sandwich said, that if Captain Baillie would write a letter to the Admiralty, signifying that there was a combination against him, in the Hospital, and therefore desiring him to resign, without giving him the trouble to dismiss him, he would make up his half-pay 600l. a year?

A. I have endeavoured to inform your Lordships of the whole that passed upon that subject; there are some questions to which it is difficult to give a decisive no or yes to; because Lord Sandwich said so in one part, but not in the other part. His Lordship said, if Captain Baillie would consult the peace of the Hospital, by resigning his employments, and retiring, either signifying his reasons, or not; and he might at the same time mention the reason suggested; I believe he did; but, however, he would have no objection to his assigning his reasons; but, if he would retire, he should have no objection to making to him the provision before spoken of.

Q. That provision, I understand, is the one for Mr. Devisme?

A. Yes.

Q. Did Lord Sandwich say he would, if Captain Baillie would resign, make up his half-pay 600l. a year?

A. No, he did not; and I am very certain upon that subject; because, I remember, when I read to his Lordship that part of Captain Baillie's first proposal, in which he says, he considered his place in the Hospital worth 600l. a year, Lord Sandwich said, it was no such thing.

Q. Whether you recollect that Lord Sandwich said to Mr. Murphy, that in stating it in his argument, in the Court of King's Bench, at 600l. a year, he had stated it fairly?

A. I am very certain that Lord Sandwich told me these words, I have mentioned; and I am also, I think, positive (but one's oath only extends to one's knowledge and belief; but, as far as that goes, which is as far as my oath goes) I am positive, he never said any such thing to Mr. Murphy.

Q. Do you recollect Mr. Cooke's having said, that it would be expected that the report of the Committee should be printed, without any reply on the part of Captain Baillie?

A. I, at this time, do not recollect that Mr. Cooke did say, or did not say, those words; I am sure that, in that conversation, Mr. Cooke was a perfect cypher; but whether he said those words or not, I cannot immediately say.

Q. Perhaps some words may bring this to your recollection; whether Mr. Murphy did not say, that the report was already printed in two columns, and that Captain Baillie, he might depend upon it, would print a third?

A. I am sure Captain Baillie could not say so; because, to my certain knowledge, it was not then printed in two columns.

Q. Do you mean printed, or published?

A. I mean printed.

Q. It was not at that time printed.

A. No.

Q. Nor prepared in two columns?

A. There, I cannot immediately pretend to say, it might be prepared in writing; though, to the best of my remembrance, I believe it was not; I do not believe it was printed in two columns, till the 16th of January.

Q. Had you not mentioned it to Mr. Murphy, as being printed in two columns?

A. I mentioned it to Mr. Murphy, and to Captain Baillie, that there was an idea of printing the report of the Committee; that it was actually in the press; but the printing of that report of the Committee, in the manner in which it was printed, was not finished, I believe, till the 16th of January; and that happened on the 16th of December.

Q. Then, I understand you, that you did mention it to be in the press?

A. It was.

Q. Then could it be otherwise than prepared in the manner in which it was printed?

A. Certainly; there might be sufficient for the first, second, or third sheet of it, without the fourth or fifth sheet being ready; I don't wish to be guilty of equivocation. The first time my Lord Sandwich spoke to me on the subject, I told him it was my opinion, that the report of the Committee should be printed, and such other of the official papers of the Hospital as might tend to elucidate that report; and his Lordship was so obliging as to follow my advice upon the subject; and in that manner it was printed, at the time mentioned. I don't believe that above half of it had been prepared ready for the press; because the report of the Committee does not go to every particular point, which is mentioned in Captain Baillie's book; and there was a great difficulty in selecting such points as immediately were answered by the report of the Committee, in the order in which the Committee reported them; there was a great deal of difficulty to do it in such a manner, as Captain Baillie might not have reason to think it was done partially, and that took up a great deal of time and labour; and therefore, at the time mentioned, I do not believe half the book was printed, or prepared; I may be wrong; I did not expect to be asked the question; but I believe the whole was not prepared for the press till about the 10th, and the whole was not printed till the 16th of January.

Q. I only ask whether you had said to Mr. Murphy, that the report was to be printed in two columns?

A. I mentioned to Mr. Murphy, that the report was to be printed; whether I mentioned that it was to be printed in two columns, I don't recollect; I am sure if he says I did say so, that it was so.

Q. Do you charge yourself with not saying so?

A. I charge myself with saying the report was to be printed.

Q. But in two columns?

A. There I am ignorant; if Mr. Murphy or Captain Baillie say so, I am sure I shall not deny it.

Q. If you are not clear upon that; it is not so absolutely impossible but that Mr. Murphy might have said, that Captain Baillie would print a third?

A. It is exceedingly probable.

Q. You said Lord Sandwich declared, that if Captain Baillie did not resign his Office, he should consider it as a defiance?

A. As a defiance of his right.

Q. Was not the expression used as a flag of defiance?

A. I am sure I don't recollect.

Q. I think you mentioned, that in the first conversation you had with Lord Sandwich he said, that if Captain Baillie would resign, he would make some provision for him?

A. Yes.

Q. When Mr. Murphy and these gentlemen appeared before Lord Sandwich, I think, if I understood you right, Lord Sandwich said, in substance, that he would not make a provision for Captain Baillie himself, but for Mr. Devisme?

A. No, he did not say, that he would not make a provision for Capt. Baillie himself, but that he would make a provision for Mr. Devisme: by the first proposal of Captain Baillie, he says he shall be equally pleased if a provision is made for Mr. Devisme; that being

being the *consent* of Captain Baillie, and the wish of Lord Sandwich, there was no dispute upon that head, whether the provision was to be to Mr. Devisme or Captain Baillie; but Lord Sandwich did not say, he would not make the provision for Captain Baillie; but it seemed, as it was then going on, it was agreed that the provision was to be for Mr. Devisme.

Q. Was there, or not, any objection to making the provision for Captain Baillie?

A. I find myself under some difficulty in answering that question, on this ground; it seemed to be the *consent* of Captain Baillie, and the wish of Lord Sandwich, that the provision should be for Mr. Devisme; Lord Sandwich seemed to wish that the provision should be much rather for Mr. Devisme than for Captain Baillie; but I don't recollect that his Lordship went so far as to say, he would not make a provision for Captain Baillie; but he seemed to wish that the provision should be made for Mr. Devisme, whom he called a very temperate man, rather than for Captain Baillie.

Q. But the day after you met Mr. Murphy at the Coffee-house, in that conversation Lord Sandwich said, he would make some provision for Captain Baillie; for I understood that Mr. Devisme's name was not mentioned then?

A. The first conversation I had with Lord Sandwich upon the subject, was so exceedingly, in general, a very remote preliminary of a treaty that might not take place; I believe the provision then talked of, was for Captain Baillie; but it was a very remote plan; it was only to know whether any kind of treaty might be attempted between Mr. Murphy and myself.

Q. I took your words down, that Lord Sandwich said to you, the first time you saw him after talking with Mr. Murphy at the Coffee-house, that if Captain Baillie would resign, Lord Sandwich would make some provision for him?

A. *I believe those are the words that passed between Lord Sandwich and myself; but I beg to observe that every thing then was much in generals.*

Q. Did there, at that time, appear to be any objection in Lord Sandwich to make a provision for Captain Baillie?

A. *It did not appear to me but what his Lordship was willing to make a provision for him, if all things were properly settled.*

Q. *There was then no objection in Lord Sandwich to make the provision for Captain Baillie?*

A. No.

Q. Do you recollect, in the course of the relation Mr. Murphy gave of this conversation to Captain Baillie and his brother, that Mr. Murphy frequently appealed to you, desiring, that if he had mistated any thing, that you would set him right?

A. All along so.

Q. Did you, at any time, contradict any thing he had said?

A. I don't recollect that I did contradict any thing; but if I did, it was so soon settled between us, that it did never amount to a difference between us in any particular.

Q. Do you recollect, whether Captain Baillie, in that conversation, did not say, that he was surprised to find those offers whittled down to threats?

A. I am very certain he never said any such thing, if your Lordship means at the first meeting.

Q. Had you two or three meetings with Mr. Baillie?

A. *I had only two; in the last meeting he might say something of that kind; I do not know he mentioned those very words; the conversation was exceedingly desultory; I do not know that he mentioned those words; but he might.*

Q. Did not Captain Baillie always say, that he expected, first to be restored to the office from which he was then suspended?

A. To the best of my recollection, he did not always say so.

Q. When did he say otherwise?

A. It is exceedingly difficult to point out the progress of a treaty which never took effect. There were many points agitated between us, for which there was not the least authority from Lord Sandwich; but only such proposals, "Suppose his Lordship should agree to that, will you agree to it?"—In the course of that modification of treaties, it is exceedingly possible that, in some, he might make it a condition, that he should be restored; but I don't recollect, that he always laid down that as an essential of the treaty, without which it could not go on.

Q. Can you charge your memory with any one time that ever Captain Baillie consented to resign his employments, before he had been restored?

A. I believe there were times in which he did so.

Q. Be so good as to name them.

A. I find myself under a difficulty of mentioning the exact time; I cannot call the hour or minute to mind in which he did it; nor do I, at this present time, recollect the stage of the business; but there were stages in the business in which I believe that might be so modified, in which he did not make that condition.

Q. Do you take upon you positively to say, that at any time he actually did give up his claim to being restored?

A. I cannot take upon me to say, positively, that there was any time in which he would have given up his place, without being restored; but at the same time that I say that, I have also to add, that I cannot say that there was, positively, any time in which he made that as a condition absolutely indispensable.

Q. Did not you, in the last conversation that you had, (the second conversation) tell Captain Baillie, that if he did not resign, upon the promise of a compensation which Lord Sandwich had made in the presence of Mr. Murphy, Mr. Cooke, and yourself, he might depend upon being turned out in a few days.

A. A great deal of every thing which is said, depends upon the words in which it is thrown. I humbly conceive, that if I had made use of the words 'he might depend upon it,' in a certain tone of voice and manner, it would have been exceedingly improper. I told your Lordships, that at that meeting I pitied him very much. I think Captain Baillie has since told me, I behaved as a brother upon that occasion; he has made use of those very words. I recommended him to do it; but if those words imply any thing of a threat, I am very sure they did not come from me.

Q. Do you recollect what passed at the end of that conversation?

A. The last thing that my memory serves me in, perhaps it is the most flattering part to me, was the compliment Captain Baillie was pleased to pay me; and the declaration he made; how much he was satisfied with my conduct upon that occasion: I asked him if any thing had happened in which he had reason to complain of me; he said not; upon that we parted.

Q. Do not you recollect having urged some reasons to Captain Baillie, why he should not stand out so much?

A. The great, and, I believe, the only reason was, that I had paid some attention to the question of law, whether they had a right of removing him; and I told him, that I believed they had a right of removing him; and being in possession of that right, I thought he would be mad if he did not retire with the promise of an equivalent, rather than retire without the promise of any, which he must be obliged to do in the course of a few months*.

Q. Do not you recollect some other arguments which you used to him about the fate of reformers?

A. I am very sure I never said any such thing. I remember that at the time that I mentioned to Captain Baillie, that argument of the power of the

* It happened however in the course of a few days.

Admiralty to displace him; I believe I mentioned to him, among other arguments, as he and his brother are very fond of pictures; the House had suggested to me a *circumstance* I did not immediately recollect; the circumstance simply was this; I believe it is a story the House has pretty generally heard of. Some person not so *pious* as every body ought to be, pointing to a *crucifix*, said to some person who was exceedingly busy in *reforming* the abuses of the times, (behold the fate of reformers) *Eccò il fato di reformatori* *. The House has suggested to me that I did mention it; it is a very well-known story, but I am sure I never mentioned it in a manner to frighten him.

Q. I think, in the course of what you said first, you mentioned that Lord Sandwich did not think it at all right to make Captain Baillie a Commissioner at Minorca, because he did not think it proper to put him in any situation, where he had any man to act in concert with, on account of his temper; did you say that or not?

A. I did say that.

Q. You have said you asked Mr. Murphy, if he thought Capt. Baillie in earnest, when he offered Lord Sandwich to resign, if he had an equivalent. Did you know that he had offered to Lord Sandwich to resign, if he had an equivalent?

A. Previous to that conversation I did not know it, but Mr. Murphy informed me that he had caused several applications to be made to my Lord Sandwich.

Q. Had you any intimation from Lord Sandwich to speak to Mr. Murphy, or any other person on the business?

A. I had not even the most distant intimation from Lord Sandwich to speak to Mr. Murphy, or any other person upon the business, or to cause any person to speak to Mr. Murphy, or any other person, upon the business; and I had not the slightest wish or design of my own to do it.

Q. Did Lord Sandwich appear to you to wish to prevent an enquiry into his conduct?

A. He did not seem to me to wish to prevent any enquiry into his conduct; on the contrary he seemed very eagerly to desire it.

Q. Was Lord Sandwich's motive in offering Captain Baillie a provision to prevent an enquiry?

A. I am very certain not; and could give my reasons for saying that?

Q. What appeared to you to be his motive at that time?

A. I have a reason, in my imagination, which appeared to me as the motive which induced Lord Sandwich to act in that manner; it is only a motive which passed in my own mind, I never mentioned it to any individual, therefore I should think I have hardly a right to be called upon for it in this House, but I think it was not a motive to prevent an enquiry; I know Captain Baillie had been recommended by several respectable persons; I thought it might be in regard to those persons.

Q. Did Captain Baillie mention to you, that copies of his affidavits were then in the possession of any Peer of this House?

A. I understood from Captain Baillie, that several of his materials, of his papers, whether that comprises affidavits or not, were in the possession of Peers of this House.

Q. Did you ever recommend to him, to let the Report of the Committee go without reply?

A. I did, knowing, in general, the very little attention that the public pay to attacks on paper; I did not think the attack of that consequence to merit a reply, but it did not go off upon any difference of opinions of that kind.

Q. It has been said, in an account that has been

published, that upon your hearing that copies of the affidavits were in the possession of some Peers of this House, you was exceedingly alarmed; is that true?

A. I knew that long before Capt. Baillie mentioned it, therefore could not be surprized; I think that standing behind this Bar in the course of last sessions I heard some conversation, respecting the business of Greenwich Hospital.

Q. Did the first proposal, about this negociation, come from Mr. Murphy to you, or from you to Mr. Murphy?

A. It came from Mr. Murphy to me?

Q. I desire that part of the Minutes may be read.

Short-hand notes read as followeth.

"It is exceedingly probable, that the conversation might begin upon that subject (though I do not recollect it exactly) and that it might go on to the Case of Greenwich Hospital; in the course of that business Mr. Murphy said, he was exceedingly surprized that Lord Sandwich did not accept Captain Baillie's offer of retiring for an equivalent provision; that to ruin Captain Baillie would be beneath Lord Sandwich; to make a provision for him would be generous, and he wondered his Lordship did not do it."

Q. What offer did that relate to? Mr. Murphy said, he was exceedingly surprized that Lord Sandwich did not accept Captain Baillie's offer?

A. I then supposed, and now suppose, that it related to some offer that had been made to Lord Sandwich on that subject.

Q. Do you not believe that that related to an offer that was printed in Mr. Baillie's own affidavit?

A. O! no, I do not believe that it did; from the tenor of the conversation, I do not believe that it did relate to any offer in Capt. Baillie's publication; on the contrary, from the tenor of the conversation, as Mr. Murphy mentioned to me, that he had sent letters by Mr. Garrick, Dr. Sheppherd, and a Mr. Brown of Lincoln's Inn, I rather concluded it referred to those offers than any other.

Q. Whether you recollect in a letter you read to the House, which you wrote to the Earl of Sandwich, that mention was made of an answer to Mr. Baillie's book being ready for the press, or being already printed, and that you was to shew it the next day to Mr. Cooke and Mr. Ibbetson?

A. It is the answer to his book, that it is ready for the press, that it is dated the 16th of December.

Q. What did you mean by the answer to this book? Do you mean the report of the Committee of Greenwich Hospital?

A. The report of the Committee of Greenwich Hospital.

Q. Did you call the report of the Committee, an answer to his book?

A. I called it so then.

Q. By whose instructions was you to shew it to the Rev. Mr. Cooke, and Mr. Ibbetson?

A. Because as they were on the spot; I thought as I was a perfect stranger in the business, I had never heard any thing of the troubles of Greenwich Hospital, or any thing relating to it, till the affair of Greenwich Hospital had been argued; if I am to relate every thing that passed between my Lord Sandwich and me upon that subject, I will do it, otherwise I would wish to be excused, as I may involve myself in a predicament your Lordships would not wish to involve me in.

Q. It struck me, that in writing that letter, you mentioned the answer to Capt. Baillie's book, I did not know whether you meant the report or any other answer.

* This un-christian-like allusion was made by a professor of the Roman Catholic faith, Chamber Counsel to the Earl of Sandwich, and was understood by Capt. Baillie to be held out to him *in terrorem* and derision.

A. There is no other answer that I know of, but the report of the Committee of Greenwich Hospital.

Q. By whom was you employed to print and publish that?

A. I considered myself employed in that book by my Lord Sandwich, and by every other gentleman who conceived himself traduced in that book; I stand here as a professional man; I do not enter into the merits of the book, when I call it an answer; I don't say whether it is or not, or mean to enter into that question one way or the other.

Q. From whom did you receive instructions to take under your care, the printing and publishing of that book?

A. The first that I heard of the subject, was after I had made myself master, as well as I could, of the transactions in the Court of King's Bench; I recommended to Lord Sandwich and Mr. Ibbetson, and several other gentlemen, that instead of recrimination, of which there is no end, they should content themselves with printing the report of the Committee, and having recommended that to them, I found out a person who could superintend the correcting of the press, (a work I am not qualified for), but I consider myself as the person who printed and published that book.

Q. By whose orders?

A. Orders I had none, but by the consent of Lord Sandwich, Mr. Ibbetson, Mr. Hicks, and a variety of other gentlemen.

Q. Whether you recollect an expression made use of by Mr. Murphy, that if the report of the Committee was printed, that they might as well roll themselves in the kennel?

A. Whether Mr. Murphy used those words, I do not know, but he used words equally expressive in signification, but I do not recollect the immediate words.

Q. Speaking of the motives of Lord Sandwich, in answer to a question put to you, you said, you imagined it might be owing to attention to respectable persons that had recommended Captain Baillie; who did you understand those persons to be?

A. I understand Captain Baillie had been recommended to Lord Sandwich by persons very high in rank; I understood he had preferred the recommendations of those persons to some other persons high in rank; that being the case, and especially as I have the recommendation of the nobleman, whose recommendation he had postponed, to the recommendations he had received, I conceived them to be persons for whom he must have a high regard, consequently would not do any thing that would appear slighting to them.

Q. I beg you will name those persons?

A. As I have before mentioned to your Lordships, I never mentioned, directly or indirectly, the name of any person whom I conceive it to be; as it was only in my own mind, and I did not mention the person's name, I think I have no right to be called upon; I submit with great respect to your Lordships.

Q. You must name who the persons are?

A. It may be an impertinent thing for me to have considered such a thing; I hope it will be looked upon as a decent thing; I never mentioned it to any body, but I have been told that Lord Bute* recommended Captain Baillie to his Lordship, whether right or no, I cannot say.

Q. Your imagination then was, that Lord Sandwich's disposition of regard to Captain Baillie, were out of regard to Lord Bute.

A. I considered that it was so; there is one thing which I shall beg leave to mention to your Lordships, which is not directly before the House, but is of some consequence to my character, and it will not take the House half a minute. I have seen a publication, in which are these words; "To these charges" (after stating some) no other answer is thought neces-

sary, than a little advice to the Catholic author of "that weak, yet insidious answer."

I beg leave to mention, that I had not, directly nor indirectly, the least hand in that publication that is alluded to in that book.

Q. You said, the first time you heard about Greenwich Hospital was, when a gentleman distinguished himself so much at the bar; yet you afterwards said, you heard it mentioned below the bar of this House at a former session; I wish you would for your own sake set that right?

A. I will endeavour to explain it; I am sure the House will not take advantage of any thing I say; I beg to mention to the House, that my recollection only served when I said it, (it is in the Minutes, therefore the House can recur to them to know whether I am wrong), when I mentioned that it was to ascertain, whether at the particular point of time in which that conversation arose between Mr. Murphy and myself, it was with any design of mine, or arose accidentally; I then mentioned as the case certainly was, that the first that I knew of any thing then going on, was from the conversation of Mr. Murphy, and from the general applause which the exertion and abilities of the gentleman alluded to had met with; I knew from what I happened to have over-heard here, that there was some general idea of a particular enquiry into the management of Greenwich Hospital; but Lord Sandwich, nor no other person, had spoken to me on the subject. I was totally a stranger to the meetings of Greenwich Hospital, and to what had passed at the Boards of Council there; I was perfectly a stranger to it, till what I heard from the popular conversation of the day.

[Mr. Butler withdrew.]

ARTHUR MURPHY, Esq. called in.

My Lords, I have the honour of attending your Lordships, in an order that I have received, calling obedience upon me to give evidence in relation to the affairs and the government of Greenwich Hospital.

My Lords, from the situation that I stood in, in that business, and from the delicacy of the part I acted in it, it is impossible for me to come to your Lordships bar, without feeling extreme difficulties; those difficulties amount in my mind to a doubt, and a strong one, whether in point of law, or at least in point of honour, I ought to be examined at all. My Lords, I beg leave to state to your Lordships, out of what facts my doubts arise; I was Counsel for Captain Baillie; I never knew Captain Baillie, till I was applied to by him to be one of his Counsel; I know nothing of the affairs of the Hospital, or of the government of it, but what I learned from the brief that I held in that cause; it cannot be the intention to examine me to the contents of the brief; I understand that I am to be examined to the subject of negotiation carried on by me, set on foot by me, began by me, and carried on with the privacy and consent of Captain Baillie. My Lords, I did in the course of the business, all that lay within the reach of my poor abilities for Captain Baillie, both when the business was on in the Court of King's Bench, and in all the preparatory steps to it; I was not content with that, I contracted very good wishes in favour of Captain Baillie, whom I had never known till I knew him as my client; I knew his brother upon a former occasion, and had a very great respect for him, thence arose the good wishes I felt for him before the term; his business was on in November term.

Q. You will please to confine yourself to what your objections are to being sworn, but don't go into any detail of the business without being sworn?

A. I meant no otherwise than to give an account of the part I acted, previously to any part of the conversation or business I am called here upon; I will cut it short then, and the question I would sub-

* Ever since the foundation of the Hospital, the Lieutenant-Governor went in succession to the Captains of the Hospital, without any interest, one instance only excepted.

mit to your Lordships is—In the first place, if I am called here by any body but Captain Baillie, the law, I take to be clear, that a Counsel is not to be examined to the secrets of his client.—My Lords, if I am called by Captain Baillie, or if Captain Baillie renounces the privilege which the law gives him, then my question is perhaps a new one, but it is of great importance to the public.

The question is, whether where a Counsel has carried on a negotiation with the privity of his client, and in consequence of that has had a confidential conversation with the opposite party, whether that Counsel is liable to be called upon by his own client, to reveal the secrets that he may have learned in confidence. I apprehend your Lordships will not endure such a practice. For the first observation that occurs to me upon it is this: the client may say, my Counsel shall negotiate; if he succeeds, well and good, if not, he may draw the secrets from the other side, and then come and give it in evidence.

I may be told that both parties may consent to this; but on behalf of myself, and every gentleman at the bar, I beg leave to make this objection to it; whatever wish I had for Captain Baillie, if I could have foreseen this day, I would have suppressed it, and would not have gone out of my chamber, or seen any body; I should have told him, I had made the best or worst speech, if it might be so.

If the attending a conversation is to make me a witness, it might as well be at Newcastle-upon-Tyne as here; and there is not a gentleman at the Bar, if he is told, wherever he hazards himself in a negotiation for his client, he is to be called upon as a witness, to tell what passed in confidence in secrecy, there is not a gentleman at the Bar that will hazard himself; and I beg to add, that all Counsel can often do more good out of Court, than in Court; and for my own part, as I have said before, if I could have foreseen this day, I should not have been a negotiator for any man. I wish to have it understood, not only for the sake of a noble Lord in your House, whom I may say I drew into a negotiation, I desire it to be understood, in justice to myself, and my own character, that I will negotiate with no man to betray him, if it was the lowest man in the kingdom. I would not have it said of me, that the lowest man in the kingdom, if he talks to me in confidence, shall be a sufferer by it; and therefore, my Lords, I am now in the place where the ties of honour will be best felt and best understood. When I related to Captain Baillie a conversation I had with a noble Lord now in your House, it was under an express stipulation, that my name should never be mentioned. This, my Lords, I am ready to give upon oath; and therefore, as I am where the ties of honour will be best felt, I submit it to your Lordships, whether I ought to open my mouth upon this subject. My Lords, I beg to add one word more; I make no objection from a wish or bias, in favour of either of the parties, my objection is on account of the extreme delicacy of my situation, standing there as Counsel; I know nothing of the matter, but what I knew from my brief, and as Counsel; I had a conversation with the noble Lord which I wish to be silent about for ever.

Earl of Sandwich. If any parts of Mr. Murphy's delicacy proceeds from the doubt, whether I wish him to be heard, I will readily relieve him from that difficulty; I have that opinion of Mr. Murphy's honour; I had a transaction with him in a public matter once; I found him a man of honour; and there are not many people, perhaps, that I would have seen upon a business of that kind, except that gentleman; I mean persons that might have been employed; but he has my entire consent, my wish, and desire, that he would inform the House of every thing that he knows relative to that matter; and it is proper for me to add one circumstance, that I think it will be an hardship upon me, if he does not say all he knows, because there has been one

gentleman of the law already examined; and though I know he is a man of too much honour, I flatter myself, every body that knows him, must know he is incapable of saying any thing but what is strictly true; yet it will be a very awkward transaction, if my lawyer is examined, and the lawyer on the other side is not examined; I wish that this matter may go clearly and fully into the world, that the lawyer employed on one side, and the lawyer employed on the other side, gave the House every information that they had it in their power to give; and for these reasons, I do most sincerely desire and request of Mr. Murphy, that he would submit to be examined. I do also, as a matter of justice, and as a matter of respect due to this House, call upon Captain Baillie to make him the same request.

Mr. Murphy. My Lords, my principal reason for troubling your Lordships with any difficulty of mine, was, that I do conceive every gentleman at the bar is concerned in it; for I do beg leave to say to your Lordships, that no gentleman at the Bar, will hazard himself in negotiations or compromises, if it be once understood that they are liable to be called upon to disclose what passes in secret negotiations, in fair and honest compromises between parties; if it be once established as a precedent, I do conceive the public will suffer by it; for no gentleman at the Bar, as I said already, would leave himself to be liable to be called upon by it. It might happen I might be called upon at the time I might be upon my circuit. If it is established here, that gentlemen at the Bar are liable to be called upon, it will be of very pernicious tendency; but if it is not understood to be compulsory upon me; if it is not understood I am compelled to speak, there is a word has dropped from the noble Lord, that strikes me a great deal. His Lordship says he shall consider it as an hardship. I consider myself as standing a middle man, Counsel for both. The honour of both is in my hands, therefore I profess myself ready, if it is not understood to be compulsory upon me, and upon the rest of the gentlemen at the Bar. I make this objection, in order to have the decision of this great Assembly. To have it understood, whether gentleman at the Bar are compelled to be called upon. If it is understood they are not, I shall make no objection to give my evidence.

Captain Baillie. I beg to say a few words. It is certainly a misfortune to me, that I am not able to follow all the oratory and rhetoric of Mr. Murphy; but as I told your Lordships before, I say again, I have no secret; I have fallen a victim to the resentment of Lord Sandwich, and to various intrigues one way or other; and as I have no secrets, I wish that the whole of the transactions of Greenwich Hospital may be probed to the bottom. I wish Mr. Murphy to be examined, and I hope he will prove himself a man of honour.

Mr. MURPHY called to the Bar again.

Q. You say you speak on behalf of yourself and of the whole profession; is that literally so? Has there been any meeting of the profession?

A. I speak only from my own feelings, my own ideas upon the subject, and a few gentlemen at the Bar I had talked with, and they all approve of the objection I have made. I certainly have no commission from the Bar.

Mr. Murphy sworn.

Q. Was you present at any conversation between Lord Sandwich and Mr. Butler, and Mr. Cooke, upon the subject of Captain Baillie?

A. I shall beg to be in your Lordships judgment, whether you would have this matter come out piecemeal, as questions may occur, or whether I shall relate the whole as the matter happened?

The

The House ordered Mr. Murphy to give a narrative of the transaction.

Mr. Murphy. Having been Counsel for Captain Baillie some time in the month of December last, what day of the month I do not know, but it was of a Friday; having attempted at that time, with three or four different gentlemen, to set on foot a negotiation in favour of Captain Baillie; and, as I understood, under his authority, it did fall in my way, by mere accident, to have a conversation with Mr. Butler * at the Coffee-house in Lincoln's Inn; I went in there, (having come a little way that morning from the country) about eleven o'clock, by mere chance. I found the only gentleman in the room was Mr. Butler, whom I knew as a gentleman in the Inn; and my acquaintance with Mr. Butler extended no farther than just an acquaintance in Lincoln's Inn; and as far as my acquaintance went, a very respectable acquaintance I thought him. I sat down with him; a conversation arose upon the topics of the day; at last Greenwich Hospital was mentioned, and I believe by him. I think he asked me what I thought of the affairs of Greenwich Hospital; I told him that I had been Counsel, and that I had certain impressions upon my mind, contracted and conceived at the time I was Counsel. I told him very freely my mind; I told him that I had attempted before the term, in the term, (the November term I speak of) and after the term, with three different gentlemen, to set on foot a negotiation with Lord Sandwich. The first attempt that I made was with Mr. Garrick, in the latter end of October; I went to Hampton to him; I found with him a gentleman that I never was in company with before, Doctor Madan; I did not hesitate, Doctor Madan being present, about the subject; I opened my mind to him, and I told him, that I had been reading affidavits that were voluminous; and that it would relieve me from a great deal of difficulty, having been asked to read 200 brief sheets of affidavits drawn by Captain Baillie himself, if I could be relieved from that, it would be a great pleasure to me; I said, Mr. Garrick, you can do that favour, if you will only tell Lord Sandwich, that he has offered to resign his office of Lieutenant-Governor, if an equivalent provision should be made for him.

Q. When was this conversation?

A. The latter end of October.

Q. Then that relates to the proposal sworn to in Captain Baillie's affidavit †?

A. He swore in his affidavit, that he had made that offer several times. In short, without troubling your Lordships any more with the particulars of what passed between Mr. Garrick and me, he did undertake that he would mention to Lord Sandwich, whether he did or did not, I never learned from Mr. Garrick, because I have been so unfortunate as never to have seen him since. In the term every body knows what passed, the rule was discharged with costs; I should have said, that a Doctor Shepherd, of Cambridge, called upon me before it came on in the King's Bench; and knowing that he was well acquainted with Lord Sandwich, I told him the same story I had told Mr. Garrick, and wished the same proposition to take place. Nothing came of that, the business came on in the Court of King's Bench. I should have said I told Captain Baillie what I had said to Mr. Garrick and Dr. Shepherd; as well as I recollect, he was in the next room, when Dr. Shepherd was with me in my chambers. As soon as Dr. Shepherd was gone, I told Captain Baillie what had passed, and that I was aiming at a negotiation Captain Baillie had given to Mr. Bearcroft, my leader in the King's Bench, and to me,

authority to negotiate for him to that effect, and saving his honour, which we told him we should be certainly very careful of.

Q. On what day did you tell Captain Baillie that?

A. The beginning of November term; I cannot say the day; it was before the business came on in the Court of King's Bench; for Dr. Shepherd came to ask whether a new trial should be moved for in the King's Bench, in a cause he had been concerned in; by which I know it must have been at the beginning of the term; because by the rule of the Court new trials must be moved for within the first four days of the term; the business coming on in the King's Bench, hearing no more of this affair, and not having myself the honour of knowing Lord Sandwich sufficiently, to think at all of going near him upon the subject; for with regard to Lord Sandwich, I think it necessary to mention, that I can hardly assume the word acquaintance. In the year 1768, I think it was, there was a business of Lord Halifax depending; a great many gentlemen and noblemen of consequence interested themselves in what belonged to Lord Halifax; I had the honour of having some degree of Lord Halifax's confidence in that business; we had several dinners at the Star and Garter, in Pall-Mall; and two or three at Hampton; I think I had the honour of being in company with Lord Sandwich twice in Pall-Mall, and once at Hampton; that was in the year 1768. In the year 1769, I think, (but I know it was in the year that Mr. Brown, of Hampton, was Sheriff of Huntingdon); he being Sheriff in 1769, he being to sup at Hinchinbroke, I had the honour of being invited to sup there; and understood I was to meet with Mr. Brown; from that hour, to the time that I had the honour of seeing Lord Sandwich, upon Captain Baillie's business, I never had the honour of changing one single word with him, or being in his company in any place whatever; so that upon these accidental meetings, relative to Lord Halifax's business, I did not ground any pretensions of acquaintance; therefore, I did not think of going near Lord Sandwich about the business; the term being over, and the rule discharged with costs, I did attempt it in another way, with a gentleman in Lincoln's Inn, whom I knew to be intimate with Lord Sandwich; I hope I may name him without involving him as a witness; Mr. Brown; I did speak to him several times, and tell him my mind most freely; all I learned from him was, that he had reported my conversation to Lord Sandwich; it came to nothing; only that Lord Sandwich expressed himself in civil terms with respect to me. When I went into the Coffee-house in Lincoln's Inn, I did not know that Mr. Butler was at all acquainted with the business; when the Greenwich business became the subject of conversation, I did then, most freely, tell him my mind; and what had passed; the attempt with Mr. Garrick; and so on. I told Mr. Butler, I wished, very much, that somebody would suggest to my Lord Sandwich, that whatever his ideas might be, or whatever various people might tell him upon the subject, that still mankind might think, if Captain Baillie's ruin was aimed at, if he was to be discharged at his time of life, and after a number of years in the service, and swearing, as he did, in the Court of King's Bench, that he was ruptured on both sides, that mankind would say, if his ruin was aimed at, it would be cruel; on the other hand, if Lord Sandwich felt himself acting above those little resentments which actuated many of mankind, that the world would say, it would be acting very noble not to aim at his ruin; and therefore I said it would be noble, on the part of Lord Sandwich, if he would embrace Mr. Baillie's proposals, upon an adequate provision. Mr. Butler seemed struck with this; he told me that he was employed relative to the affairs

* Chamber Counsel to Lord Sandwich, and an agent in the Greenwich Hospital business against Captain Baillie.

† Relates to Captain Baillie's affidavit sworn to in the King's Bench, which could be no secret.

of the Hospital; that he had prepared a book, since printed, (not then printed) in two columns, which I dare say many of your Lordships have seen; he told me he would shew it me, whenever I pleased, and, I believe, did shew it me a day or two after. Finding he was employed, it struck me; I paused upon it; I considered, in my own mind, whether I should go farther with him; finding he was acquainted, and employed, I did go as far as I could, in endeavouring to promote those sort of complaints in favour of Captain Baillie; I *conceived* myself authorized to do it, by the general authority Mr. Bearcroft and myself had before the term began*, and was never revoked in any of the conversations we had upon the subject; he called upon me three or four times a week may be; it was never revoked at all; therefore I did *conceive* myself to have authority to make the proposition, on his behalf, that he should resign, and have an equivalent provision. Mr. Butler said, he would mention it to my Lord Sandwich, and would contrive to see him that day. I begged of Mr. Butler to take care not to represent me as intruding myself too much; I told him I had attempted it with other people; however, I told him I did understand from one gentleman that Lord Sandwich had expressed himself with civil terms with regard to me; and, therefore, I was not much afraid of his representing my conversation; accordingly we parted; he undertaking, as I understood, that he would see Lord Sandwich upon the subject. The next morning, a Saturday morning, he called upon me, about eleven o'clock; he shewed me a little abstract of a letter (three lines of his own writing) purporting to be a letter, to inform Lord Sandwich that he had some conversation to communicate to him; he shewed me an answer of three lines from Lord Sandwich; he then told me he had been with Lord Sandwich, and did not find his Lordship in a disposition to act cruelly, or with revenge; not in that disposition at all: I had particularly said, that the ruining of him would be, perhaps, by the world called the mark of a little mind; the letting the man down, without ruining him, if he was to be removed from the Hospital, the giving him a provision, would be the mark of a great mind. Mr. Butler said, his Lordship said he was willing to shew the world he did not want to act with a little mind. I said I should be pleased if I could contribute to effect this business; he asked me if I was serious in the proposition; I said, certainly; that I *conceived* I had an authority. Is Captain Baillie serious in it? I said, I think I can see him this day, and will tell you. I sent to him as soon as Mr. Butler went; I saw him and his brother immediately, at my chambers; I told them what passed between Mr. Butler and me the day before; how accidentally I met him; how little I knew, in the beginning of the conversation, that I was talking with an *acquaintance* of Lord Sandwich; how I had pushed it, when I knew he was; and that it ended, in short, in his undertaking to go to him; now he has been with Lord Sandwich, and I find Lord Sandwich is not so vindictive against you as you imagine. Do you approve of the proposition I have made? Both of them did. Do you chuse I should go on with it? (I cannot be supposed to be speaking to exact words, when I say this.) Do you chuse to go on with it? Yes. Then I have a question to ask you, Captain Baillie: Can you judge of any mode in which you can have this provision, without being appointed to a public office? For I am desired to tell you, Lord Sandwich will not appoint you to a public office, because the same thing will happen, as he thinks, wherever you go; and, therefore, if it can be done, without appointing you to a public office, I understand, from Mr. Butler,

who is just gone out of my chamber, that the noble Lord has no objection to it. A proposal I took down in writing; I don't know whether it has been mentioned; the proposal was, that Captain Baillie conceiving that Captain Kirke (as well as I remember) who is a Commissioner of the Victualling, and would be glad to become Lieutenant-Governor of the Hospital; and, therefore, says Captain Baillie, if Lord Sandwich will appoint my son-in-law, I think, a Mr. Devisme, Commissioner of the Victualling, and let me retire upon my half-pay, I then will resign, and Captain Kirke may be appointed Lieutenant Governor of the Hospital. I took that down in writing, I thought proper to *propose myself*; and it was added to it, upon my suggestion, that Captain Baillie should give up all papers, pamphlets, all printed Cases, of whatever denomination, remaining in his hands, in order to shew a disposition to act fair, and retire, in peace and quietness, from the Hospital. That was added to it. Mr. Butler, about three or four o'clock, sent in his name; I begged Captain Baillie and his brother to step into another room; they did; Mr. Butler came in; my paper was interlined and blotted; I read to him from it; I told him that was the proposition; he undertook to see Lord Sandwich upon it; and we parted. When he was gone, I told Captain Baillie what had passed between Mr. Butler and me; and so it ended for that day. On Monday following, I happened to be a little way out of town, I think at Mr. Thrale's, at Stretham; there I received a letter from Mr. Butler, in the evening, informing me, that he had seen Lord Sandwich that very day, and that he found him still in the same disposition; and he believed my proposition would take place; that if it suited me, Lord Sandwich would be glad to see me the next day, at the Admiralty; I came to town the next day, Tuesday; I went with Mr. Butler to the Admiralty; we were not there two minutes before we were shewn up stairs to my Lord Sandwich; the noble Lord's first words were, I am willing to converse with you, Mr. Murphy, upon this subject, because I know, or believe, (I don't know which) that you are a man of honour.

My Lords, it is from those words that my pain arises; I did hope, after hearing those words, that I never should be called upon to say a word upon the subject; however, my Lords, the conversation then went on; Lord Sandwich said, that the unfortunate disputes† between the two Admirals had kept the Admiralty in a very great hurry, and in a few minutes he must attend the Board. I think I am going to speak very distinctly to the words, for my memory has been well refreshed upon the subject, having had this order so long. My Lord Sandwich told me then, seeing there is but little time to lose, and he must go to a Board; he then said, Sir, we will at once come to the subject of Captain Baillie's Commission; the affairs of the Hospital are come to this pass, that he must quit it; I cannot act with him myself; the Directors cannot act with him; the Directors have presented a new Memorial; and I have no hesitation, in saying, that if I must quarrel with them, or with him, he is the man I shall quarrel with; if Captain Baillie imagines that he is to bid me defiance, he will find me extremely firm, and I shall most certainly dismiss him upon the *ground of the report for misbehaviour*; if I do dismiss upon that ground, I shall dismiss him without thinking myself called upon ever to trouble my head about him again; his place may be, I think he said, I heard you estimate it in the King's Bench at 600l. a year. I remember being asked by the Court what the value of his office was, and I did say I understood the salary was 400l. a year, and that the advantage of apartments, coals,

* Whilst six informations, for a libel, with great weight of power, were hanging over Captain Baillie, and his destruction threatened, it was natural enough for him to wish to accommodate with Lord Sandwich, in a contest so unequal; but after all the parties were defeated, and the several rules discharged, and discharged with costs, (which seldom happens in the Court of King's-Bench) to the general satisfaction of an indignant audience, and Captain Baillie's affairs wearing a very different aspect, he then had no idea of proposing an accommodation, though he was willing to listen to any that might be made on the part of Lord Sandwich.

† Alluding to the Admirals Keppel and Palliser.

candles, beer, and whatever other things are there, might reasonably enough be estimated at 200l. a year more, therefore, I believe, I said in the King's Bench that the office was worth 600l. a year; I believe Lord Sandwich said he would not enter into conversation about it, that it might be so; but I know, says he, if a man loses 600l. a year, and has no other fortune, he must be distressed; I could charge him with ingratitude; I do not wish to do it; if he is dismissed, it may be said to be cruel and vindictive; but, thank God, I have no such disposition, and turning to me, he said, I dare say you see I have no such little mind; he said the scheme that he had proposed of his son-in-law Devisme, could not take place; that he had seen Captain Kirke; and that he had never thought of the Hospital; if that could be done, I have no sort of objection for repeating it again; I do not want to hear of his distresses; but the fact is, he cannot stay in the Hospital; and as to appointing him to a public office, I cannot appoint him to a public office, because I am very sure the same thing will happen again, said Lord Sandwich; I don't want to speak hard of him at all; I believe there may be a great deal of right, and a great deal of wrong in Captain Baillie; but whether right or wrong, his passion in the end will always set him wrong; something broke in; Lord Sandwich said, if he is to be dismissed, my determination is never more to trouble myself about him; if he resigns his office in the way you have proposed, I certainly will as soon as I know how it can be done, if he would shew it me; but perhaps I may see it sooner myself, but the business of the Hospital cannot stand still, and I cannot act with him, and therefore I shall be glad to see you again in three or four days, with regard to the offer of papers that he makes; I do not accept of it; he has nothing to give up. The Duke of Richmond has given notice of an enquiry in the House of Lords; I was not present when he did it; I have seen his Grace since, and told him I was ready to meet the enquiry whenever he makes it, and therefore I accept of no papers. I have now, I think, related with as much precision as human memory can supply a man with at the distance of time. I think I have related all I heard from Lord Sandwich; a gentleman present, the Reverend Mr. Cooke, did say; that book * your Lordship has seen printed in two columns, must be published; I turned round immediately, and said that would do no good, publications will promote a paper war; and if there is to be an enquiry, it ought to be suppressed; and that as those matters were in Court, the publication of them out of Court might be a libel, and therefore I advised him against it; in that part of the conversation, Lord Sandwich did not say a single syllable; his Lordship then got up, said the affairs of the Admiralty called his attention at a Board; he should be glad to see me in two or three days time; I came away; I am convinced in my own mind, upon the most exact recollection, that is the whole substance of what passed; I came away, and told Mr. Butler and Mr. Cooke below stairs, that I was extremely pleased with my negotiation, for I was in hopes then it would succeed; however, I told Mr. Butler, who went back with me to Lincoln's-Inn, that I should appoint Captain Baillie to see me next day at twelve, and should be glad he would be present. I did send to Captain Baillie; but Captain Baillie came that day, being Tuesday, when I gave him a hint, but not fully of the nature of the business; I gave him a hint that he might act his part as coolly as possible, when he met Mr. Butler the next day at eleven o'clock. The next day Captain Baillie and his brother did meet at my chambers; I then, as if I had not seen Captain Baillie, opened the matter, and told Captain Baillie that the first words out of

Lord Sandwich's mouth to me were the words I have mentioned, and therefore mentioned to him what I felt a demand from him, that my name should never be called in question about the business; he promised me it should not: I told him that all negotiations of the kind ever since I have known any thing of the Bar, or had any thing to do with business among gentlemen, all negotiations of the sort were considered as sacred, and that I never knew between gentlemen any party take an advantage, if negotiations were not successful; therefore I stipulated that my honour should be taken care of, and that I never should be mentioned in the business. I then related what passed between my Lord Sandwich and myself; it did not happen to please Captain Baillie; the particulars, I suppose, I need not relate; a great deal of warmth broke out; I, at last, said I could not sit there, if they behaved so intemperately; I begged he would be kind enough to meet next day at eleven at my chambers, and begged of Captain Baillie to consider of the matter coolly, to see the rest of his Counsel; and I sent to know while they were with me, whether Mr. Bearcroft was at home, he was not; I sent to know whether Mr. Erskine was at home, he was not.

Q. Do not spare the detail; that conversation you say was warm?

A. The warmth was, Captain Baillie would not resign without an equivalent provision before-hand; I told him my opinion; it was of very little consequence to him, whether he had it before or after; sure I was he would have it; I asked him whether he thought *that Lord Sandwich would chuse me*, a man with whom he had the sort of acquaintance I have mentioned to your Lordships, *that he would single me out*, who I hoped, as far as known in the world, was known to be a man of spirit; whether he would single me out for that, and if he thought his Lordship would deny it afterwards; if he does, said I, I will release you from any promise of secrecy, and stand forth and avow it; I have no doubt you will get it; there is no law in it; it is a matter of prudence; consult your friends about it; it was agreed they should meet next day at my chambers.

Q. Mention what he said in warmth and passion?

A. As my client, I wish not to mention it.

Q. (to Captain Baillie.) Have you any objection to it?

A. (Captain Baillie.) I have no secrets in the world.

Mr. Murphy. To remember what passes in the hurry of desultory conversation, all those interruptions that violence and warmth create, it is difficult to recollect every thing, and I really wish not to do it; the result of it was, he would not, without having an equivalent provision, resign his Office. In the midst of a great deal of warmth, he did say, that with regard to Lord Sandwich, if he stood alone, without advisers of him, belonging to the Hospital, he would trust him with any thing; but I am afraid of the people about him; I am afraid of their advice. But, however, without attempting to recollect particulars of that sort, that is of too much difficulty for me, the result of the whole was, that he was afraid of those people in the Hospital that might have Lord Sandwich's ear, and might give wrong advice; he was afraid it would be imprudent in him to trust to a provision being made after resignation; therefore a meeting was to be had next day?

Q. How came you to think it was an imputation upon Captain Baillie to have a good opinion of Lord Sandwich; because I desired you to mention the instances of passion and violence?

A. I did whisper to Captain Baillie, that I recollected one instance, that I thought it would be justice to tell, because that was not any imputation thrown out by him against Lord Sandwich.

* The Report of Lord Sandwich's Committee drawn and arranged by Mr. Butler, by order of Lord Sandwich.

Q. What

Q. What imputations of warmth and passion?

A. Very violent cursing and swearing, and violent oaths?

Q. Mention them?

A. I cannot tell them. I took the liberty to say to Captain Baillie, if he could put me in mind of any thing that was to his advantage, I would tell it; I don't recollect, only that the conversation was so warm, and so much passion in it, that I thought myself spending my time very ill, to sit two or three hours at the mercy of any gentleman that thought proper to put himself in a passion, when I was acting only for his good.

Q. Do you recollect any other instances of passion?

A. The whole was for two or three hours, from the time that this proposition was made upon the subject, and upon the argument, whether he should resign and trust for the provision to be made for him, or not; it was of no consequence at all, whether he had it before or after that, I was sure he would have it; that was the subject the whole time, and a great variety of very vague matter, God knows; but it ended in deferring the matter till next day. The next day he remained in the same way of thinking; I think he then came without his brother; I desired Mr. Butler to take down the answer, and to take it down in as genteel terms as he possibly could; I read it when it was taken down; I then said, that the answer, in my opinion, amounted in plain English to this, *I will not trust you*. I did not like being the bearer of that message; therefore, said I, Mr. Butler (after he had written it down) he wrote it down in terms that I approved of; I said, be so good to tell Lord Sandwich that is the naked answer; he said he would do so. I begged of him to make my apology to Lord Sandwich, to tell his Lordship I saw the hurry they were in; I thought it would only be obtruding; if Lord Sandwich wants to see me, I will wait upon him; we all parted.

The next day, being appointed for Mr. Butler to come and give Lord Sandwich's answer, they met again; Mr. Butler was then very short; the conversation was very short; he took the paper out of his pocket; he said, I read this paper; Lord Sandwich said, there is an end of it, I will have no more to do with him. I turned to Captain Baillie and said, I foresaw as much; I wish you had taken my advice; but I did not press it too much; I thought it a delicate business to obtrude my advice, but my opinion was, I thought you had better comply and take it.

I saw no more of the noble Lord, nor never laid my eyes upon that noble Lord, till the other night I was here in the house, and saw him as I do now. I have a reason to add, that I never saw him before, from the time I supped at his house at Huntingdon, till the time I conversed with him respecting Captain Baillie, I have not had any intercourse with him whatever; and, from that time, I have not had, directly nor indirectly, by letter, message, or any human being, the smallest intercourse with that noble Lord.

Q. You said before, you was upon oath, that you understood you could not be examined as to the brief you had received from Captain Baillie?

A. I did say, that I supposed nobody meant to examine me to the contents of the brief I held as one of Capt. Baillie's Counsel; I did suppose that, to be sure.

Q. Upon what ground did you suppose so?

A. Because I never yet heard of any Counsel's being called upon, at a distance of time, to recollect his brief, after it has been given up to his Attorney, with his name signed upon the back of it; for my own part, I always discharge my memory of it.

Q. Is a brief the property of the Counsel or Client?

A. Of Client; and, for that reason, it is returned, with the name of the Counsel at the back of it.

Q. And do you therefore think nobody has a right to examine that brief, but the party himself? *

A. My idea was, that I was not to be examined to the contents of my brief.

Q. You have said, that Mr. Butler, when you met the first time, began upon the affairs of Greenwich Hospital by asking you, what you thought of them?

A. Yes.

Q. Do you mean by that to say, that you began the negotiation at that time with Mr. Butler.

A. Not till he informed me, that he was acquainted with Lord Sandwich, and employed, I think, by him; then it was that the proposal of it was made.

Q. I think you said, that Mr. Butler acquainted you, the first time you saw him, that he was employed in the affairs of Greenwich Hospital, and that he had an answer to Captain Baillie's book, prepared in two columns?

A. He told me so.

Q. The first time you saw him?

A. I never saw him, but that once, previous to the subsequent meetings I have spoken of; and the first time I saw him was at Serle's Coffee-house.

Q. He informed you he was employed in the affairs of Greenwich Hospital, and had prepared an answer or report of the Committee, in two columns?

A. Not the report of the Committee; that pamphlet, which I believe your Lordship has seen in two columns, extracts from the report in answer to Captain Baillie's; not that he had prepared the report, but that he had prepared that extract, and he shewed it me a few days afterwards in manuscript; that publication which is in print, I am told, but I have never seen it in print.

Q. Was it then finished when he shewed it you?

A. I don't know, I looked over a little of it.

Q. Was it in two columns?

A. Yes, in manuscript.

Q. Did you make use of any expressions in the course of this negotiation, that if this was published in two columns, that Captain Baillie would print a third to it?

A. I said, I should advise him to it, at the same time telling them all to take care, that publications of what passed in court might be libels, if published unnecessarily out of court.

Q. You have stated some negotiations having been begun by you with other persons, were they by the direction of Captain Baillie?

A. I understood Mr. Bearcroft's authority; Mr. Bearcroft, himself, told it me; and I understood it afterwards, from Captain Baillie, that it was so; and I understood that we were both before November term, both had his authority to negotiate for him, taking care of his honour, which I told him we naturally should do; it remained in that manner, that *general authority*, I had no other than that general authority unrevoked in all the conversations I had with him afterwards, which were frequent, three or four times a week, just as suited himself; I was always open to him.

Q. I understood Captain Baillie, that before the term, upon Mr. Bearcroft's suggesting to him, whether he had any objections to any negotiations being entered into, that he did give him an authority; but did Captain Baillie give you any authority?

A. He did the very same; because, when I told him what Mr. Bearcroft said to me, I said, am I to understand, that we are at liberty to negotiate for you; he said yes, always taking care to have an equivalent provision, and taking care of his honour.

Q. Was not this before the term?

A. Yes.

Q. Was not something said, by Mr. Bearcroft, to the Solicitor-general upon that subject?

A. I believe there was; not in my presence; I, myself, spoke to the Solicitor-general; I answered very indistinctly; but I understood he had no authority to negotiate.

* Alluding to a brief that was sent for and delivered to a great Law Lord, when the business came into this House; not Mr. Murphy's; Mr. H—

Q. Did

Q. Did you acquaint Captain Baillie with that?

A. I believe I did.

Q. Did not Captain Baillie look upon it, in consequence of that answer, that all negociation upon that subject was at an end?

A. No; I told him of the attempts I had made, to get at a negociation if I could. It was with no view in the world, but to serve Captain Baillie; and I certainly will not be subject to these examinations in future, by negotiations of any sort.

Q. Whether you did not go to Lord Sandwich, in consequence of a letter from Mr. Butler, that Lord Sandwich desired to see you?

A. I believe I mentioned, that the origin of this business was on a Friday; that on the Monday following I received, while I was at Mr. Thrale's, a letter from Mr. Butler, informing me he had seen Lord Sandwich that same day, and found him in some disposition to do what I wished, and that Lord Sandwich would be glad to see me at the Admiralty, and I did go the next day.

Q. But, previous to that, had not there been some proposals from Lord Sandwich, mentioned by Mr. Butler, to Captain Baillie?

A. On the Saturday morning, after I had seen Mr. Butler, he came to me, and informed me, that he had been at the Admiralty, and that he did not find Lord Sandwich in any disposition to act with spleen or resentment, and he asked me whether I was serious in the proposition I had made? I told him, yes: He asked me, whether Captain Baillie would confirm that? I told him I would see Captain Baillie that day. He asked me if Captain Baillie could point out any mode of having the provision made for him, because Lord Sandwich would not appoint him to any public office; that was *the proposal Mr. Butler mentioned to me*, and Captain Baillie gave an answer to it, when it was communicated to him.

Q. I beg to know, distinctly, whether you did not mention this to Captain Baillie as a proposal coming from Lord Sandwich, to be mentioned by you to him.

A. Most totally—most decisively the reverse. I told him the whole of the conversation, most distinctly, between Mr. Butler and me, how it happened. The degree of acquaintance I had with Mr. Butler, when, and in what time it came out, that he was acquainted with Lord Sandwich—how I had carried on the conversation in order to get at a negociation, and told him he had been with me that morning in consequence of it; therefore, do you approve of it? He did—Can you point out a mode?—Yes; he did point out a mode—Mr. Butler sent in his name, I did not let them meet; Mr. Baillie went into another room, and Mr. Butler saw the proposal written down.

Q. I beg to know whether you did not mention this to Captain Baillie, as a proposal coming from Lord Sandwich, to be mentioned by you to Captain Baillie?

A. I say, most decisively, I did not; but related it to him in the manner I have related it now.

Q. Will you be so kind as to look at that paper?

[*Shewing Mr. Murphy a manuscript paper of his own writing.*]

A. I did expect this, and I beg to call your Lordship's attention to it—Captain Baillie, soon after this business was over, called upon me; he told me he had related the story, and had not mentioned my name; I told him he was right not to mention my name, but it would be for him to judge whether it was proper to mention it at all: he came to me, and said he had been pressed to tell who was the Counsel; I told him I did not chuse to have my name known—

he came afterwards and said, they wished to examine me; I said I would not be examined; I said my name ought never to be mentioned; I asked what he could get from it? I think a disgrace falls upon a man that offers to disclose a secret negociation; and what will you get from it? Why, says he, Lord Sandwich would not offer me a provision if he did not think me innocent. No, said I, quite the reverse; when his own words are, I don't want to be cruel or vindictive, and repeating what Lord Sandwich had said upon the subject, I said, I think you are innocent; but I don't think it proves Lord Sandwich thinks so. I said why examine me? are there not Mr. Cooke, and Mr. Butler? why give me the trouble of an examination. Then I was not to be examined—then you will examine Mr. Butler, and such a man, and such a man. I was willing at all times to give him every assistance. I said, do you know how to go about examining these people? I took a pen and ink and scribbled the examination of numbers—whether those examinations have been made any use of I don't know; for I have not attended much here. Now, Mr. Butler, what signifies calling him, it is bringing a witness from the other camp; if you could examine him, so as to shut out circumstances, and get short and dry answers to questions, you do something; but if not, it will come out upon cross-examination. I took a pen and ink and scribbled something, and it is called the examination of Mr. Butler. Mr. Baillie told me, the other day, of this paper; I said, was not I promised, that that should be thrown into the fire, and nothing should be known about my concern in the business? This is as artful an examination as I could put upon paper. In this paper it will be found, that Lord Sandwich said, he did not wish to see Captain Baillie ruined; he was not spiteful and vindictive—those words are written down there, that he should be upon his guard not to get those words out, if he could avoid it. This was done at the time that I understood that I was not to be examined; and, therefore, I was willing to give every assistance. In the month of February, a man came in, when I was going on the circuit, and delivered me an order to attend the House of Lords; I said, I am going the circuit tomorrow morning. He said, 'Here is an order from the House of Lords, and I must have 6s. 8d. for it.' I said, give my humble service to the House of Lords; when they send me good news I will give you 6s. 8d. but I will not give you 6s. 8d. for that. Therefore whatever my opinion and my wishes may be about Captain Baillie, I have kept as clear as I can; and I am astonished to see that paper here.

Q. I will read some of it.

"Q. Was you present at any conversation between Lord Sandwich and Mr. Murphy?

"He must say that he was.

"Q. Was it at the Admiralty?

"It was.

"Q. Did Mr. Murphy go there in consequence of a letter from you, informing him that Lord Sandwich desired to see him.

"He must say that he wrote a letter to that purpose.

"Q. Before you wrote that letter, had you made any proposals, on the part of Lord Sandwich, to be mentioned by Mr. Murphy to Captain Baillie?

"He must admit, that on Saturday the 12th of December, he did tell Mr. Murphy, that if Captain Baillie would resign his office of Lieutenant-Governor, Lord Sandwich would make an equivalent provision for Captain Baillie."

Then it goes on with the remainder of the examination *.

This

Q. Was captain Baillie desired, in the terms of that proposal, to point out any mode of making a provision for him?

A. He must admit that Lord Sandwich said, if Captain Baillie would point out any practicable mode, that it should be done.

Q. Did Captain Baillie propose that his son-in-law, Mr. Devisme, should be made a Commissioner of the Victualling, in the room of Captain Kirk, in whose favour Captain Baillie would then resign the Lieutenant Governorship?

A. He must admit that Mr. Murphy gave that answer on the part of Captain Baillie.

Q. Did Captain Baillie desire that his suspension should be taken off before he resigned?

A. He must admit that he did.

See the remainder at the bottom of the following page.

Q. Did

This seems to me to be extremely different from what Mr. Murphy could have any objection to its coming out; for it is precisely what has come out in his own examination. Was not Captain Baillie desired, in the terms of that proposal, to point out something? If it was a proposal of Mr. Murphy alone, Captain Baillie was led into an error. Therefore, my question upon the whole of this, is, Whether (Mr. Murphy having seen this paper, in his own hand-writing) if Captain Baillie was led into the error of thinking the proposal came from Lord Sandwich, whether he was not led into it by Mr. Murphy?

A. It was long after Captain Baillie had told me he wished to examine me, I asked him, 'Have you told the person, that wished to examine me, that it began from me? Have you told them what passed between Mr. Butler and me, on Friday? Have you told them I sent the proposition to the Admiralty, by Mr. Butler? Have you told them Lord Sandwich refused to accept the papers? Have you told them Lord Sandwich was ready to meet the enquiry? Have you told them that he said he did not want to act cruelly and vindictively? Tell them all these things, and see whether they will think it an object to examine me?' With regard to the paper, your Lordships see it is every word of it calculated; if the party will give dry answers, to shut out what passed on Friday; for then it would look as if it came from Lord Sandwich, and not from me; but if he does not give a dry answer, he will say, yes, I did, on Saturday; but it was in consequence of what was offered me on Friday.

Q. Did you tell Captain Baillie this paper was drawn up with a view to shut out what happened on Friday?

A. Yes; I told Captain Baillie I did it with that view, to avoid the Friday, and make it as artful an examination as possible; and he promised to burn it, as soon as he had copied it; and that my name should not be mentioned; and, therefore, I do complain of double treachery in that paper. I will take care to know a man before I negotiate for him again; I add further, it was not justice to Lord Sandwich, when I came to consider of the whole; that I would have had business out of the kingdom, sooner than I would have been here; and if Lord Sandwich had talked unguarded to me, or the lowest man in the kingdom, I would not permit it to be said, that he should be a sufferer by placing confidence in me.

Q. What was this great secret you would have gone out of the kingdom to avoid?

A. I said, if Lord Sandwich had talked unguardedly; if he had laid himself open to me; if he had, in that confidence, put me in possession of a secret; if I thought it a secret proper to be concealed; not only in the case of the noble Lord, but the lowest person in the kingdom.

Q. What was there, in this negotiation, that was at all secret, or could be kept secret?

Q. Did Captain Baillie desire to have a ship of war, that he might resign with honour to himself?

A. He must admit the fact.

Q. Was it not in consequence of the witness's letter, that Mr. Murphy went to the Admiralty?

A. He must say it was so.

Q. Who was present at the Admiralty when Mr. Murphy waited on Lord Sandwich?

A. He must say Lord Sandwich, the witness himself, and the Rev. Mr. Cooke.

Q. In that conversation, did Lord Sandwich say any thing about the proposal relative to Mr. Devisme?

A. He must say that Lord Sandwich said, he had seen Captain Kirke, and that mode would not do, because Captain Kirke had no thought of Greenwich Hospital.

Q. Did Lord Sandwich say, that if Captain Baillie would resign, he would make an equivalent provision for him?

A. He must say, that Lord Sandwich said, "He was not spiteful or vindictive, and that he did not wish to 'see Captain Baillie ruined,' and if Captain Baillie resigned, without giving Lord Sandwich the trouble of dismissing him, he would provide for him as soon as possible."

Q. Did Lord Sandwich say that, if Captain Baillie would not resign, he could turn him out, and do nothing for him?

A. He must admit that these are the words, or to that effect.

Q. Was this conversation communicated to Captain Baillie in the presence of Mr. Butler?

A. He must admit that it was at Mr. Murphy's chambers, in Lincoln's-Inn, the persons present being Mr. Murphy, Mr. Butler, Captain Baillie, and Mr. William Baillie, brother of Captain Baillie.

Q. Did Captain Baillie make answer, that unless an equivalent provision was made for him before hand, he would not resign?

A. He must admit this, as Captain Baillie has the answer in Mr. Butler's hand-writing; the paper itself may be shewn to the witness, who must admit his own hand-writing.

Q. When Captain Baillie made that answer, did you press him to consult the rest of his Council; and did you send to know whether Mr. Bearcroft, and Mr. Erskine, were in the way?

A. This remaining part was not read, but is a copy of the original.

A. In my apprehension nothing with regard to Lord Sandwich, but with regard to myself, as the Counsel that did negotiate, I abhor it to this moment.

Q. Explain what relates to you as Counsel in this business?

A. I could be better employed at this moment, rather than here; it is my duty to examine witnesses in some cases, and I wish never to be a witness, especially after the words, "I talk with you, because I consider you as a man of honour, and I desire it may appear to mankind, that I do not collude, and that I do not negotiate with a man to betray him."

Q. What is the secret in this negotiation, that there is any thing wrong in betraying; that can hurt any body?

A. I beg it may not be thought too bold a declaration, if I had thought there had been any thing, I would not have been here, and because I thought there was nothing, therefore I am here.

Q. What do you complain of?

A. The treachery of mentioning my name, and the writing that paper, which was as artfully calculated as could be, that nothing might come out. Mr. Butler, I said, would know what he is about and bring it out, if not, the cross-examination will, and it always was my opinion never to meddle with this part of the business.

Q. What was the possible mischief or hurt to any person living, from this being made known?

A. I have very particular feelings, which I dare say your Lordship, and every Lord that hears me, will enter into the feelings a man may have in his own breast, which he cannot well analyze, when called upon to speak to disclose that which he learned in confidence.

Q. I must beg to have an answer to that question, what there is so secret in this, that should hurt Mr. Murphy to disclose?

A. In my opinion, in such a situation as I am in, having talked for one with the other; the conversation is to the noble Lord's honour, that is my sentiment about it.

Q. There is one point I had forgot, which is, to ask you, whether in the course of this conversation, that you understood Lord Sandwich's offer was to make a compensation to Capt. Baillie, or only to Mr. Devisme?

A. Mr. Baillie proposed, that it would be a sufficient compensation to him, if his son-in-law, Mr. Devisme, should be made a Commissioner of the Victualling, and he would then readily resign upon his half-pay; I believe, he did say Mr. Devisme and him would understand one another.

Q. The question I asked you, was not what Capt. Baillie proposed, but whether Lord Sandwich had proposed to give a compensation to Capt. Baillie himself, or had agreed to it?

A. My Lord Sandwich certainly did say, that that proposition relative to Mr. Devisme, he should have had no objection to, if it had been practicable, but it was impracticable; for on the Tuesday morning, he said he had seen Capt. Kirke, that Capt. Baillie was mis-informed relative to him, he did not want Greenwich Hospital at all, therefore that would not do; that he knew Mr. Devisme, and should have had no objection to doing it; and the readiness with which he saw Capt. Kirke, convinced me that it was so. Captain Baillie frequently told me, he believed the noble Lord had not seen Captain Kirke; but his brother, in my chambers, did once desire him to say that no more, because he knew, of his own knowledge, that Lord Sandwich had seen Captain Kirke.

Q. The question I ask is, whether Lord Sandwich did not say he would give a compensation to Captain Baillie?

A. He did say it in the way I mention; I chuse to avoid my own paper, and not to give short and dry answers; Lord Sandwich did say he would have carried that into execution if he could. The noble Lord did say, if Captain Baillie could show any practicable mode of making a provision for him; and I think he said perhaps I may see that myself sooner than him, and he was willing to do it.

Q. Then did you understand in making a provision for him, that he meant through Mr. Devisme, or directly to Captain Baillie?

A. In the way Captain Baillie *should chuse to be served*, but desiring Captain Baillie would always bear in mind, that he would not appoint him to a public office.

Q. Did you understand that compensation to have been such, as with his half-pay, should amount to 600l. a year?

A. *I understood so; I concluded it was meant so; I myself did understand and conceive so, though I do not know that there was any such distinct words.*

Q. I should be glad to know whether Captain Baillie has called upon you since you have been summoned?

A. When I came off the circuit, which was about the 24th or 25th of March, he did call upon me; he told me I was come in time; I said I did not relish it at all; that I was in hopes it would have been all over while I was on the circuit, and I protested entirely against it, both in point of utility to him, and inconvenience to myself; he called upon me about a fortnight ago.

Q. *Lord Chesterfield.* Did he ever intimate a wish, that you should soften your evidence?

A. I believe nobody that knows me would mention that to me; he did not.

Q. Whether Captain Baillie ever expressed to you who the persons were that he alluded to, when he said, that though he could trust the noble Lord, yet he could not trust the people about him? Did he name who those people were?

A. I do not recollect that I had any curiosity about knowing who they were; because I knew at that time who the people were that he was at variance with; I imagined he meant all the people in the Hospital that complained of him*.

Q. Do you know that these people were the particular advisers, or were much about the noble Lord at the head of the Admiralty?

A. I had no more knowledge about the Hospital, or the government of it, or the power and authority the Lords of the Admiralty have over it, than I have of the laws of Japan, till I had that brief.

Q. Did he name any of them?

A. I cannot say whether he did at that time; I often heard him name among the people that applied to the King's Bench, among the people that complained to the Admiralty, among a variety of people that he was at variance with in the Hospital;

I have often heard him name those he pointed at more than others.

Q. Who were they?

A. I believe the Reverend Mr. Cooke had a good deal of share in his resentment; and I believe Mr. Hicks, and Mr. Mylne, had a good deal of share in it. Their names do not occur to me now, but I believe there were few escaped.

Q. Whether, when he expressed that diffidence of trusting to the noble Lord from the people that were about him; or whether he did not say, that he could have depended upon the noble Lord himself, if he had been the only person?

A. That he would have trusted to him if he had stood single and alone.

Q. Did you hear him express any other warm words?

A. I did not mention them as an instance of warm words; but recollecting all of a sudden, that he did make use of that expression, and I thought it could not injure him to tell it. It was not produced as an instance of passion, or of his being violent or warm.

[*Mr. Murphy withdrew.*]

Friday, the 7th day of May, 1779.

Captain BAILLIE called in.

Q. I beg Captain Baillie will inform the Committee of what he knows relative to a transaction between Mr. Butler, Mr. Murphy, and himself; to any offer made to him, or from him, relative to his quitting Greenwich Hospital?

A. I shall humbly hope for the indulgence of the House, to permit me to read what I have taken down upon that occasion; it cannot be expected of me, to follow two such eminent Counsel as Mr. Butler and Mr. Murphy; I have taken down a simple account of facts, if your Lordships will permit me to read it as evidence.

My Lords, as the matter of the negotiation with my Lord Sandwich concerning the resignation of my late office of Lieutenant-Governor, has been heard at your Lordships Bar, with a variety of circumstances, the greater part of which have been represented materially to my disadvantage, I trust you will permit me to point out whatever may be necessary to lay a true state of that transaction before your Lordships. My Lords, a great deal has been said, concerning the secrecy which ought to be preserved by men of honour in their negotiations, that all conversations about them are supposed to be confidential, and that the most profound secrecy is an implied stipulation; it appears to me, that a man who means to act fairly, has no secrets. I have in every stage of this matter declared, that I have none; and I well know, that I am struggling in a cause in which nothing but truth and justice can support me. When this negotiation was opened to me, a great deal was said about secrecy, in which I was willing to acquiesce, as long as I conceived myself to be fairly and honourably treated; because I understood it to be the particular request of Lord Sandwich that it should be so; though, as his Lordship declared, he meant to act in the most generous manner, I wished, for his sake, that secrecy had not been stipulated; but, my Lords, when I found that the negotiation evaporated into words, and that all which remained, was little more than the most contemptuous indifference, the idea on which secrecy was stipulated was at an end; proposals were held out to me which ended in mockery and insult; and nothing could be more unreasonable, than to suppose, that I could be under an obligation to keep such treatment a secret at the request of those by whom I had been insulted.

My Lords, that I was willing to change my station in Greenwich Hospital, for an adequate compen-

* No Complaints were ever made against Captain Baillie, only recriminations.

fation, was so far from being a secret with respect to me, that I repeatedly pressed it to my Lord Sandwich some years ago. It was my indispensable duty to protect the pensioners to the utmost of my power, and therefore it was impossible for me to acquiesce in the scenes of fraud and oppression with which I was surrounded; but I foresaw the dilemma into which I should be reduced; and though I could not neglect the duties of my office, whilst I continued Lieutenant-Governor of the Hospital, I wished to avoid that ruin which threatened me, if I took any effectual steps for redress. Your Lordships have already heard a letter from Lord Sandwich, dated the 6th of October, 1772, when this offer was first made to him, in which he expressed his surprize at my wishing to retire, and pays me very unreserved compliments on my conduct in the Hospital.

My Lords, the same offer was again pressed on his Lordship, when I laid the great complaints of the pensioners concerning their beer before him, in May, 1777; I then found that I had lost his Lordship's good opinion, though it appeared to me, that I had persevered in the same line of conduct, which he before had complimented, I was told that I was troublesome, that I would not let business go on, and that the same thing would happen wherever I should be placed; a declaration which surprized me greatly, as I have been a zealous and a faithful servant to his Majesty near forty years, in various situations, without ever having had blame imputed to me before; and I could not conceive that his Lordship meant to declare, that it was not in his power to place me in any situation under Government, in which a man, who would not be a silent witness to fraud and oppression, could be employed; from this interview, my Lords, which has left the strongest and most disagreeable impressions on my mind, I despaired of redress for the grievances of the pensioners, or relief for the mortifying insults I had met with, in every attempt to protect them; I was at length compelled to take the only step which remained within the line of my duty, that of an appeal to all the great and noble personages, who form the General Court of Commissioners and Governors.

My Lords, nothing could be farther from my wishes or expectations, than that the matter should have become public, or have ever assumed the appearance of disturbing Government, especially in times so critical and dangerous as the present; but in all the subsequent stages of the business, I have been compelled to be a patient spectator of the steps which have been taken preparatory to my ruin; I have been brought before such a tribunal, in the late Committee of Directors, as I trust never did before, nor ever will exist again in this country; a Court, wherein a part of the persons accused sat as judges; and others of them appeared as evidence; the determination has been exactly such, as was the necessary consequence of a Court so constituted, where all material evidence, except of the persons charged, has been rejected, facts of the most glaring notoriety declared not proved; I have been pronounced a false and malicious calumniator, and sentenced to lose my office, in the most ignominious manner for having dared to accuse.

I have been compelled to sustain a most harrassing and expensive suit in the Court of King's Bench, which was discharged with costs, as they are called, that is, with about one half of the expence actually incurred, and no kind of recompence for the fatigue and anxiety of mind occasioned thereby.

My Lords, during the pendency of the prosecutions in the King's Bench, all my Counsel, after they had read their briefs, told me, that after the great weight of uniform and respectable testimony, which was contained in more than thirty affidavits, they could have no doubt of the truth of the state of the Hospital, which I had laid before the General Court; but that however just my cause might be, the number, the in-

fluence, and the perseverance of my prosecutors, would inevitably ruin me.

Mr. Bearcroft (my leading Counsel) told me very kindly, that he would take an opportunity to speak to the Solicitor-General, to see if the matter could be accommodated, if I had no objection; I told him that it was already well known, that I wished to resign my appointment in the Hospital, whenever an adequate provision should be made for me in any other station, but that I had no kind of expectation that the matter would then be accommodated, as I well knew the malice of my enemies, and that as they had obtained a rule upon six different motions, in the Court of King's Bench, that nothing could stop them from trying the event of every one of them.

Mr. Bearcroft accordingly found his attempts to negotiate with Mr. Solicitor-General fruitless, and nothing could have relieved me from those informations, but the clear justice of my cause, and the very able defence of my Counsel; I have since found, however, that Mr. Murphy made my case the subject of very indiscriminate conversation, and so far as his good intentions were employed, I considered myself as obliged to him, as it was a proof of his zeal, and his opinion of the truth and justice of my cause; but I neither consented, desired or encouraged him to enter into any negotiation whatever; but my Lords, when the business began to wear a different face, when all the motions for informations in the Court of King's Bench had been discharged, when the great impression which the defence made on the whole Court had been felt, when it was known that some of the first lawyers in the kingdom were of opinion I was entitled to a mandamus, the career of revenge was necessarily restrained; when it was known that notice had been given, that a general enquiry would be made in this House, into the abuses in the management of Greenwich Hospital, I then for the first time began to expect that a negotiation would be set on foot; it was impossible that so corrupt a scene, and the history of so many abuses, could willingly be exposed before this great tribunal, and subjected to that censure which might be dictated by the wisdom and integrity of your Lordships; but I was so far from attempting to set such a negotiation on foot, that I very well knew, if a proposal came from me, the very measure itself would prevent it, and I do most solemnly declare, that I did not, directly or indirectly, commission or order Mr. Murphy to renew any of those applications which he had himself begun, and which I found he had made the topic of his frequent conversation; I was not however surprized, when Mr. Murphy informed me, that a Mr. Butler had entered into conversation with him upon the affairs of Greenwich Hospital, and I do solemnly declare, I understood from Mr. Murphy, that Mr. Butler's proposals came straight and direct from Lord Sandwich; and I was the more confirmed in this belief, as I had, three or four days before, heard it rumoured in the Hospital, through channels which I knew to be authentic, that it was intended to remove Captain Baillie, by giving him an equivalent in lieu; and however accidental the meeting at the Coffee-house then might be on the part of Mr. Murphy, it did not then appear to me to be so on the part of Mr. Butler; that Mr. Murphy had been my Counsel, must have been a fact well known to Mr. Butler, though Mr. Butler's connections with Lord Sandwich, were unknown to Mr. Murphy, as he himself informed your Lordships; but admitting that the meeting was perfectly accidental, it was I, and not Lord Sandwich, that received information from it; I learned that Lord Sandwich was now, for the first time, induced to give me a compensation; he was the only agitator in the matter; he sent for Mr. Murphy, but I made no application to Mr. Butler, under the circumstances in which the matter was stated to me; I had no kind of doubt but that it was a deliberative message,

message, and that it was at length really intended, to offer me an honourable and an adequate compensation in lieu of my office.

I therefore held myself bound by the original proposal to Lord Sandwich, which I had made to his Lordship long before the prosecution, in circumstances very different from the present; I had undergone a long train of harassing, expensive, and injurious treatment; I had resisted a very virulent legal attack, and my mind now glowed with hope, that the great, and almost the only object of my wishes on this side the grave, the reformation of the abuses in Greenwich Hospital, would at length be accomplished by the proposed enquiry at your Lordships bar; and that the great root of every other evil, the introduction of landmen, which had been in some measure sanctioned by the alterations in the Charter, would be totally removed, and effectual precautions taken to shut out every possible sanction to the like abuses for the future; under these circumstances I listened with reluctance to the considerations of prudence which were suggested to me; the most prevailing of which were, that though my printed Case, and the subsequent Enquiry, had convinced many people of the existence of the abuses, yet the pride of power was too great to yield immediately to those convictions; under those circumstances the negotiation was proceeded on. Mr. Murphy waited on Lord Sandwich at his desire, without my knowledge, and the two memorandums which have been read to your Lordships by Mr. Butler, were drawn up by my consent, but at their requisition. On this paper I beg leave to observe, that it was so far from being understood by any of the parties that Captain Baillie was the first mover or a petitioner in this negotiation, that the paper which Mr. Butler called my ultimatum, drawn by himself, begins with the words, "Captain Baillie is willing to resign his Office upon an equivalent compensation to be given before-hand." This is certainly not the language of solicitation; if my Lord Sandwich meant to act with the fairness, openness, and delicacy of a superior mind on this occasion, it seems reasonable to expect that he would have felt that whatever was proper to be done ought to be done immediately, and that he ought not to have claimed confidence under the circumstances of the negotiation.

I found it was expected that I should permit the report of the Committee to be printed without reply or expostulation; that is, I was to permit myself to be proclaimed a liar, and a base, groundless calumniator, throughout the kingdom; such a proposal was the highest insult that could be offered to a man of honour, who felt the fullest conviction of the truth of all his complaints, and who had preserved through life a fair and unblemished reputation as the first and dearest object of his attention.

My Lords, it is with great surprize that I have heard myself accused of treachery by Mr. Murphy; there is not a man in the world scorns so base and criminal a meanness more than I do; when it was found that the negotiation ended only in the most inadmissible and insulting proposals, Mr. Murphy did himself draw out an examination for Mr. Butler. The negotiation, in an early stage of the Enquiry, had been stated in this house; the circumstances were denied by Lord Sandwich; my character was at stake; and the Reverend Mr. Cooke and Mr. Butler, connected as they are with Lord Sandwich, were not witnesses to support me in the truth of my assertion; my brother might justly be supposed to be equally prejudiced in my favour. I conceive that under these circumstances I had a right to the testimony of Mr. Murphy; and I was equally surprized and alarmed to find that he felt the utmost reluctance at being examined; I did not wish him to entertain any scruples, or to affect any secrecy on my account; but I found his scruples and his delicacies arose on account of Lord Sandwich; I had not been at all prepared for a delicacy of this kind, as

the conversations which I had hitherto had with Mr. Murphy respecting similar transactions, had deeply impressed my mind with very different ideas from what Mr. Murphy was pleased to pronounce at your Lordships Bar concerning the noble Lord; but I find that his delicacies had arisen in the conference which he had held with his Lordship, which conference appears to me to have detached him entirely from my interests.

My Lords, in this situation, alarmed as I was for my own character, I was glad to find that I had accidentally preserved the paper of examination intended for Mr. Butler. Mr. Murphy has told your Lordships that it was a paper artfully contrived to draw Mr. Butler into a state of the matter quite different from what it really was. My Lords, I despise all such mean arts; and if I had understood it at the time, I would on no account have permitted it to have been done; and I most solemnly protest to your Lordships, upon my oath, (as I now am) I understood the paper literally; and I was greatly surprized to hear Mr. Murphy acknowledge that he meant to treat a brother of his own profession in a way which appears to me to be really treacherous, and in any other profession, would be held to be base and unwarrantable.

My Lords, in this paper Mr. Murphy proposes that Mr. Butler's hand-writing shall be produced against him; I felt myself compelled to take the same advantage of Mr. Murphy, that he had himself proposed to take of Mr. Butler. Mr. Murphy's evidence and conduct drove me to the disagreeable necessity; and your Lordships have seen that his mind is now more hostile to me than that of Mr. Butler, whose evidence was liberal, compared with Mr. Murphy's. My Lords, I trust I shall stand fully justified in your Lordships opinion, when it is considered, that if it had not been in my power thus accidentally to compare the testimony of Mr. Murphy by this paper, I must have appeared to have advanced a most foul and improbable assertion, for which I should not have been able to have produced a shadow of proof; I should otherwise have had no support, than the conscientiousness of my own mind, that the whole was true.

My Lords, no part of the evidence which has been given, at your Lordships bar, has surprized me so much as that part of Mr. Butler's, who has sworn, that all orders of men, in Greenwich Hospital, had complained of Captain Baillie. My Lords, if *this be true*, I am ready to admit, that all I have said about Greenwich Hospital is *false*, and I would gladly join issue upon this ground. I will tell your Lordships who they are, viz. five sea Officers, out of fourteen; three Civil Officers, that have been at sea; and a combination of landmen, consisting of eighteen or twenty persons, out of two thousand three hundred, or two thousand four hundred souls. These, my Lords, are the men; these are the combination, alluded to by the noble Lord, that have prevented and obstructed Captain Baillie in his duty, and which was to be assigned, as a public reason, for his resignation. My Lords, except these persons, and their immediate dependents, I trust that my being restored to the Office would be heard with sincere joy, by all those who are the real objects of the charity.

My Lords, that ever I thought of resigning my Office, was so far from proceeding from any dislike to the Hospital, that my real wish has always been, that I might live and die in peace there, and rest among the pensioners; I consider it as one family, the most venerable and respectable in the world; a family of brave old seamen, who are supported by their country, as a reward for their past services, at the head of which I generally presided; and I had no earthly wish equal to promoting their comfort and happiness; and no proposal, however advantageous, which could be made me, would give me equal satisfaction to being restored to them, without the apprehension of being obstructed in the performance of my duty.

My

My Lords, I am also represented, by Mr. Butler, as a man of the most violent and ungovernable temper, without his having produced a single instance to support it; Lord Sandwich himself has given repeated proofs, under his hand, to the direct contrary; and the two late Governors have also approved my conduct in the Hospital, as appears by Lord Sandwich's and their letters, in October, 1772, ready to be produced, as well as the strong words of my warrant by which I had the honour to be appointed by Lord Sandwich. I have likewise the misfortune to be accused of ingratitude; am I, my Lords, in honour or in conscience bound to see two thousand British seamen abused, in all their interests, by way of shewing my gratitude to a noble Lord, after he had turned a deaf ear to my repeated remonstrances? Neither has my professional character, as an Officer, escaped the censure of the noble Lord, in the most public manner; and, I therefore hope, your Lordships goodness and indulgence will be pleased to permit me to produce a letter from the late Secretary of the Admiralty, Mr. Cleaveland, wherein it appears, that my character, as an Officer, is unimpeached at the Admiralty.*

[Captain Baillie withdrew.]

Mr. GODBY called in.

Q. Whether you know what the contract price is, now given for shoes and stockings?

A. The contract price for shoes is three shillings and nine-pence, and three shillings and nine-pence halfpenny for the extra shoes.

Q. What has it been heretofore?

A. The present contract has been for two years, which are near expired; the contract before this was three shillings and seven-pence, and three shillings and seven-pence halfpenny; the Contractor tells me, he contracted six or eight years ago, and then it was three shillings and seven-pence, three shillings and nine-pence, and four shillings and nine-pence; the contract price for shoes, in common, is much about the same as the present; but that for the extra shoes, which are very few, four shillings and seven-pence.

Q. Has not the contract price been increased?

A. It is three shillings and nine-pence, and three shillings and nine-pence halfpenny now.

Q. What is the price of stockings?

A. The pensioners blue hose, eighteen shillings a dozen; boys blue yarn, ten-pence halfpenny; grey, ten-pence; ditto worsted, one shilling and four-pence.

Q. What has it been heretofore?

A. The present contract price is eighteen shillings; the last was, I think, nineteen shillings, but I am not quite certain.

Q. Before that what was it?

A. It varied very little, but I cannot say exactly what; it was nineteen shillings and sixpence, or twenty shillings.

Q. In general, has the price been less than it was?

A. I think much about the same; the present contract price is eighteen shillings; I think the last contract price was nineteen shillings; I think it may have been nineteen shillings and sixpence; I think I remember its having been twenty shillings.†

Q. Does the money all go through your hands that pays the Contractors for shoes and stockings, as well as the meat?

A. It does not, nor for the meat neither; the bill is passed through my Office, but not the money.‡

Q. The contract price has been always fluctuating, I suppose?

A. Always; sometimes more, I believe, and sometimes less.

Q. Mention an instance where it has been less?

* He was not permitted to produce the letter.

† These shoes and stockings which are the worst that are ever made, the poor men have but three pairs in two years.

‡ It is notorious, that Mr. Godby, for these and other such purposes, receives two thousand pounds regularly every month.

•• When leather was cheap, the contract was at four shillings per pair; as it grew dearer, the price was lowered to three shillings and seven-pence per pair; since which the men's shoes have not lasted half the time they ought, that is three pair for two years.

A. The stockings were nineteen shillings last contract, which was two years ago.

Q. But whether there is an instance less than the present time?

A. I believe it may be so, but don't recollect.

[Mr. Godby withdrew.]

Mr. BALL called in.

Q. Do you know what the present price of the contract for shoes is?

A. I believe three shillings and nine-pence, and three shillings and nine-pence halfpenny; three shillings and nine-pence for the common, and three shillings and nine-pence halfpenny for the extra, which are very few; those are high heeled shoes.

Q. What has been the price heretofore?

A. I believe three shillings and seven-pence halfpenny, and three shillings and eight-pence halfpenny, the contract prior to the last.

Q. What was it before that?

A. I cannot recollect; but I believe about three shillings and nine-pence, or thereabouts.

Q. How high has it ever been, in your memory?

A. I do remember it four shillings for a common pair of shoes.

Q. When did you remember that?

A. About eighteen years ago; I was appointed by Mr. Bell, a former Steward.

Q. How long did that price last?

A. It was a standing contract for some years; of late they have contracted every two years.

Q. How many years did that last?

A. Several years before I came into Office.

Q. How many years after?

A. I believe four or five years.

Q. When was it altered?

A. That man who served it went to Quebec; the contract was put up, and the lowest proposal was received; and, from that time, it has been the constant practice to contract every two years, every general serving.

Q. About what time did it happen that the price was lowered?

A. I believe ten or twelve years since.

Q. What was the price two years ago?

A. Three shillings and seven-pence halfpenny, and three shillings and eight-pence halfpenny.***

Q. What is the price of stockings now?

A. The present price, I think, is nineteen shillings a dozen.

Q. What did that use to be formerly?

A. I remember it at eighteen shillings a dozen.

Q. How long is that ago?

A. About six years.

Q. How high do you ever remember it?

A. I don't remember it higher than twenty shillings a dozen.

Q. Are the shoes and stockings the same quality?

A. They are received by the same pattern as formerly.

Q. And are full as good as ever?

A. They are received by the same pattern as formerly, and those stockings that don't appear equal to the pattern are rejected; and if any complaint is made of them, an application is made to the Board, and the Contractors are generally sent for to give their reasons.

Q. I suppose the contract price varies according to the marketable price of the commodity?

A. Yes.

Q. I suppose leather was dearer, when shoes were highest?

A. As leather is dearer or cheaper, so the contract varies; and the payment of the Hospital being so

punctual, it induces Contractors to accept it upon very low terms.

[*Mr. Ball withdrew.*]

PHILIP STEPHENS, *Esq.* called in.

Q. Are not you Secretary to the Board of Admiralty?

A. I am.

Q. Was you present at the Board of Admiralty upon the 25th of December last, when Captain Baillie was dismissed?

A. Yes, I was.

Q. Whether Captain Baillie had, previous to that dismissal, been summoned to appear before the Board of Admiralty?

A. No; he was not.

Q. Did the Admiralty communicate to Captain Baillie any complaint against him for misbehaviour previous to his dismissal?

A. I do not recollect that they did.

Q. *Lord Sandwich.* Are you a Prize-agent?

A. No.

Q. Are you positive you are not?

A. I am certain I am not. I was a Prize-agent in the beginning of last war, and in the war preceding that; but as soon as I had the honour of being appointed one of the Secretaries of the Admiralty, I declined all Prize agency.

Q. And you have not been a Prize-agent since you have been Secretary to the Admiralty?

A. Excepting for a day or two; but I declined it as soon as I could write to my friends*.

[*Philip Stephens, Esq. withdrew.*]

Sir WILLIAM JAMES called in.

Q. Whether you was a member of the Committee to enquire into the complaints of Captain Baillie relative to Greenwich Hospital?

A. I was named as one of the Committee; I was not present at the time; as I had been pretty much engaged in other avocations, I should have begged to be excused, but not being there, certainly I did not make any objections, but attended as often as I could.

Q. I beg you will inform the House how often you did attend the Committee at Greenwich Hospital?

A. I think I was at three; the Minutes will shew that.

Q. Was not you present at the General Court when that Committee was appointed?

A. No; I was not.

Q. I beg you would inform the Committee whether Captain Baillie did not, when you was present, several times offer to produce witnesses which were refused to be heard?

A. I don't know that that was the fact.

Q. Do you not recollect any instances where the evidence offered to be produced by Captain Baillie was refused?

A. I certainly do not; I recollect that there were altercations at the Board, when I fancy Mr. Baillie might have introduced, or endeavoured to have introduced, matter extraneous to the point then under discussion, which gave a good deal of interruption to business, but I do not know that any evidence was refused.

Q. Whether the evidence of the blind men were heard relative to that part of the business?

A. I think that was the last Committee that I attended at. The charge respecting the inconvenience that they had laboured under was admitted or

allowed to be a grievance, and that was understood by the Committee to have been remedied; the fact was admitted.

Q. Was any report made by the Committee that that part of Captain Baillie's complaint was well-founded?

A. Upon my word I have not seen the Minutes of the Committee since I attended at the Board, they will speak for themselves.

Q. Do you recollect whether that fact was admitted at the time by the Committee?

A. It was not disputed, it was not entered into; it being understood that a rail† had been put up, and the grievance remedied, it was thought unnecessary to go farther into it; it being so understood, and having been so represented to the Committee?

Q. Do you recollect whether any Minutes were taken by the Committee that that fact was admitted; that that complaint had been grounded?

A. I really don't know; I presume the Minutes will speak to that fact; the deputy Secretary attended, and took Minutes; I have not looked at them since.

Q. Who was that deputy Secretary?

A. Mr. Cooke, I think, was the person that took the Minutes.

Q. Has he any employment in Greenwich Hospital?

A. He acts as assistant Secretary.

Q. To whom?

A. To the Board of Directors?

Q. Were not parts of Captain Baillie's book complaints against the Board of Directors?

A. Certainly it was so understood.

Q. Do you think that Directors were proper to form a Committee to enquire into their own conduct?

A. I believe they did not think it was a right thing for them to enquire, or to decide upon their own conduct, and therefore they did not enter into that part of Captain Baillie's book, at least at any Committee at which I attended.

Q. Were not all the members of that Committee Directors?

A. I believe they were?

Q. Were there not very serious complaints against them in that book?

A. I think without going into names, there was some kind of discrimination, there were some exceptions I think in the charges that were brought against the Directors in the publication.

Q. But I would ask you whether in general there were not several charges against the Board of Directors in general, as Directors?

A. I have not read the book lately, it will speak for itself; certainly what appears in the publication every reader will give his own idea or interpretation to; that undoubtedly the Directors did consider themselves as charged generally.

Q. Do you think that men who think themselves charged generally, are proper judges to try the man who charges them, though it be not upon those charges that affect themselves?

A. I should be very glad to be excused answering any questions of opinion, it certainly is matter of opinion; I observed before, that as well as I recollect the charge, it does admit of discrimination; there are some persons marked as men (I think the expression is) of worth and honour; when the Committee was named, Captain Baillie had the privilege of excepting to any that he chose to except against, as I understood; and it may be presumed, that as he had mentioned the characters in a light of some discrimination, he might have chosen a proper Committee

* He never gave any public notice that he had declined that business, it is presumed.

† So ignorant are the Directors of Greenwich Hospital, even in respect to the execution of their own orders, that upon the recommendation of Mr. Mylne, the Clerk of the Works, twelve hundred yards of posts and rails were destroyed, (which had been, formerly, erected for the comfort and security of the lame and blind pensioners, when proper attention was paid to their infirmities) are by the Committee converted into one single rail.

out of those Directors; or might have excepted to any that he thought improper: but that is certainly matter of opinion, upon which every noble Lord in the House, or any gentleman, can judge as well as I can. I shall be very glad to speak to all the facts I know; and I am sure I shall do it in the most impartial manner, without the least kind of reserve.

Q. I am very sensible my question to Sir William James is entirely matter of opinion; and I asked it of Sir William James, because I have a very great respect for his opinion; he will answer it, or not, as he thinks proper; that is in his own breast. My question is, whether the Directors, thinking themselves, in general, aggrieved; were impartial judges to try the conduct of that man whom, they supposed, had aggrieved them, though it was not in the points upon which he had attacked them?

A. That part of the charge which respected themselves, I have observed already, that they did not think it decent to go into.

Q. Am I to understand you, that you wish to decline giving your opinion, whether they were proper judges of entering into the other parts of the business?

A. I do not know any reason why they were not proper and competent to decide upon any other parts of the charge.

Q. Do you know whether Mr. Cooke, who took the Minutes, has not some other employment under some other person in the Hospital?

A. Upon my word, I do not; I know Mr. Cooke in no other light whatever, but as a person who sometimes assists there as Deputy Secretary.

Q. Do you recollect whether the evidence of Mr. Charles Lefevre was heard?

A. Not while I was at any Committee; I don't recollect such a name as an evidence.

Q. Do you recollect whether Captain Baillie did not propose to produce that witness?

A. I do not.

Q. Did you attend the last day?

A. I believe I did.

Q. Do you recollect the manner in which the Committee was broke up?

A. For my own part, I did not conclude the Committee as broke up; there had been some altercation at the Board, between a gentleman that assisted Mr. Baillie and Mr. Morgan, I think, respecting the mode of proceeding, or respecting the introduction of matter; and, I think, the Chairman of the Committee conceived, that it gave very great interruption to business; there was a very good disposition in the Committee to hear every thing, and to decide impartially; but, he conceived, that gave so much interruption, that I fancy he might make use of an expression, that he did not know any business there was for lawyers; for, I believe, he conceived the gentleman that assisted Mr. Baillie to be of that profession, from his great abilities, and the great assistance he appeared to give the Case of Captain Baillie; I believe he made use of the expression, that he did not know what they did there. Upon Mr. Cowley's withdrawing, I think Captain Baillie did the same; but that did not break up the Committee, we continued doing business after that.

Q. I beg you will acquaint the Committee, whether Captain Baillie was not ordered to withdraw, at the same time?

A. I do not recollect that, indeed.

Q. I think you say, they continued to do business after Captain Baillie was retired?

A. Yes.

Q. I beg to know what that business was?

A. I think a great number of the gentlemen, that constitute the military Council of the Hospital, were called in, and examined with respect to a complaint of some veal, said to have been improper, I think, for the Infirmary; Dr. Hossack, the Physician of the Hospital, and they, were interrogated with respect to other matters, to know whether any grievances exist-

ed; or they had any complaints to make; and, I think, it ended generally in their having nothing to complain of; no complaints were made.

Q. Whether any other matters of enquiry were then gone into?

A. As far as my recollection serves me, that was the last transaction of that Committee, which was the last that I attended at.

Q. Whether I am to understand, that this last transaction was in the absence of Captain Baillie, and of the gentleman who attended him?

A. I believe they were out of the room.

Q. Was any report made of that transaction?

A. I fancy that must stand upon the Minutes; I take it for granted.

Q. I will ask you, Sir William James, (but this again is matter of opinion, which he will answer or not, as he thinks proper) whether he thinks it very justifiable, in that Committee, to have examined into a matter complained of in Captain Baillie's book, when he was absent, and his assistant; and to have reported upon it, without having heard him?

A. I think the gentlemen that I have mentioned before, consisted of eight or ten in number; and an opportunity was given to them, individually, to mention or prefer any complaint they had to make; they were asked if they had any.

Q. What opportunity had Captain Baillie of proving his complaint respecting the veal, if he was out of the room while it was examined?

A. I have already said that I do not recollect, nor do I believe, that Captain Baillie was desired to withdraw from the Committee?

Q. Do you recollect the behaviour of Mr. Barker upon that occasion?

A. He was the Chairman of the Committee at that time.

Q. Do you recollect his behaviour?

A. I do not recollect any thing particular in his behaviour; he appeared to be anxious and solicitous to get through the business.

Q. Did you think his behaviour cool?

A. That is matter of opinion entirely; I saw nothing in Mr. Barker's behaviour, but what indicated a great desire to investigate truth, and to get rid of the business; for it was not a business that was a very agreeable one; it took up a great deal of time, at best; and was attended with very disagreeable circumstances; hearing altercations and disputes.

Q. Mr. Barker was desirous of getting rid of the business, as you have expressed yourself; but do not you think he was desirous of getting rid of it rather precipitately? Am I to understand you then, to give it as your opinion to this Committee, that Mr. Barker's behaviour, upon that occasion, was moderate, proper, and cool?

A. I wish the noble Duke would not urge a matter of opinion. I saw nothing but what tended to a desire to carry on the business with a proper attention to facts and dispatch.

Q. Do you recollect that you proposed that the men who happened to be on guard might be called, as a fair and impartial manner of taking the sense of many persons upon the several grievances and abuses charged in Captain Baillie's printed Case?

A. At one of the Committees at which I attended, a particular complaint, respecting the linen, was taken into consideration; the washing, I think, and the size of the sheets, were subjects of enquiry. I think I do recollect proposing, as I considered the object of the Committee to be strictly to investigate the truth, and to remedy any real existing grievances, I did propose that any indifferent persons might be called in; but some shirts having been exhibited in the Committee, which, at once, ascertained the nature of their being washed, and the sizes, I believe the Committee were of opinion they were very competent to decide upon that, upon their own observation. I examined a shirt myself; I am not one of the largest nor the smallest of men; the shirt which I saw,

law, appeared to be a middling size; it cannot be presumed that all the men in the Hospital are of one size; and, therefore, without any inconveniences, there may be some differences in the sizes of the shirts; the shirts that I saw did not appear to me to be so small as to be really deserving of complaint. The washing of them was tolerable; certainly, not very fine; but it was understood, that whenever a complaint of washing was made, that the washerman, who contracts always, took the linen back again, and re-washed it, without any charge to the Hospital. Upon the subject of the linen, also, I wished to be satisfied myself, and I called for the books of the Hospital, in which I found, as it ought to be, indeed, a charge made against the Steward, for all the linen received into the Hospital, of which he was discharged, by producing a certain number of shirts, and a certain number of sheets, and charged always with the residue, if there was any to begin another account; the books always appeared exceedingly regular and well kept.

Q. I beg you will acquaint the Committee, whether your proposal of examining the men upon guard, as a fair way of taking the first men that came, was carried into execution?

A. I believe I have explained myself upon that head before; I do not recollect that I said upon guard; but I think, at the time when the matter was discussing, I saw two or three pensioners walking past the window; I said, those were as proper as any other, you may take in those, or any other men to ascertain the fact. The answer was, the linen is here, upon which we could as well judge, as if a hundred evidences were examined upon it; my proposition, if it deserved the name of a proposition, was not opposed upon any other principle, than that the shirts being there, the Committee thought themselves competent to judge upon the complaint.

Q. I beg you will recollect, whether Captain Baillie joined in this proposal or not?

A. I believe he did acquiesce in it.

Q. I beg to ask you, whether you did not look upon that as a proof, that Captain Baillie was willing to prove his charge by fair and impartial enquiry?

A. I know nothing that was done upon it, that precluded him from that opportunity.

Q. Do not you recollect that the Committee would not come into that proposal?

A. I have already given an answer to that; I have already stated the circumstance as it passed exactly.

Q. This is a matter of fact, I beg you will be so good as to be particular. Did you mean to say, that the Committee did not object to the calling in of those persons?

A. There was no question agitated, nor no sense of the Committee taken upon it. Gentlemen mentioned their different opinions; and I have already stated, that it was considered as unnecessary, the linen being in the room; but the linen being there, I presume, it was considered as the best evidence or testimony of the fact that could be adduced; I did not hear it objected to upon any other ground than that.

Q. Am I to understand that it was objected to?

A. It certainly was not complied with; and indeed, in the manner that I have had the honour to state, I mentioned it as an idea, but did not press it.

Q. But did not Captain Baillie press it?

A. I think he mentioned it as a proper measure.

Q. I think you have said, you do not recollect who it was that did produce the shirt that was examined?

A. I do not; there was a large basket of linen, as well as I recollect.

Q. Can you take upon yourself to say, that that basket was not produced by Mr. Godby, the Steward?

A. I really do not know how it came into the room.

Q. Can you take upon yourself to say, that Captain Baillie did not offer to produce other shirts that were deficient?

A. Not that I recollect.

Q. I beg you will inform the Committee what your opinion has been of Captain Baillie's conduct, in detecting the frauds of the butchers, and carrying on the prosecutions against them?

A. I have always considered it in a very meritorious light.

Q. I beg to know what your opinion is of Captain Baillie's conduct, in general, respecting the pensioners?

A. I never heard any thing to the prejudice of Captain Baillie in the execution of his office as Lieutenant-Governor.

Q. You have said you did not apprehend the Committee was concluded at the time it was; I desire to know your reason for not thinking it concluded.

A. I believe it was not concluded; I think there was another Committee held afterwards at one of the meetings in London, but I am not sure.

Q. Was the seventh day of the Committee's meeting the last time that you was there?

A. It was the seventh day.

Q. I have not heard before of there being a sitting any where after this day? Do you know of there being any other sitting after the seventh day?

A. Not at the Hospital, I believe not; but there was a Committee after that day; I think at Salters Hall, in town.

Q. Was you there?

A. I believe I was there at the first of it; what was done in it I really don't know.

Q. Was Captain Baillie at the meeting of the Committee on that eighth day?

A. I cannot say; I staid but a very little time, if I was there myself; I think I was there for a very little while, but being engaged otherwise, I could not stay.

Q. Whether you ever saw the report of the Committee?

A. I heard the report read.

Q. Whether that report mentions any proceedings on this eighth day?

A. I cannot charge my memory; it is some time since I heard it read.

[Sir William James withdrew.]

Captain BAILLIE called in again.

Q. Whether you was present at the eighth meeting of the Committee at Salter's Hall?

A. I was not.

Q. Was you summoned to that meeting?

A. I was not summoned; I waited upon the Governor, Sir Charles Hardy, to know the reason why I was not summoned upon that business; he told me he disapproved very much, that every other Director of the Hospital should be particularly summoned, and I have no summons. Mr. Wells, one of the Directors of the Hospital, and one of the Committee, told me, in passing by, in his carriage, after the Committee broke up, on the seventh day, that there would be no more meetings of the Committee at the Hospital, but that they should have another meeting at Salters Hall, that they should not want me there.

Q. Whether the seventh meeting of the Committee, when the men's linen was produced, was the linen that was examined, that which you produced, or that which Mr. Godby produced?

A. I had a large flasket full of men's shirts and sheets, in the Committee room, some new, some old, that were not examined; I could not prevail upon the Committee to suffer them to be examined. I had another flasket full of shoes and stockings that were complained of; they were not examined; some few Mr. Godby thought fit to produce, were measured by himself, and it did not appear to me that

that even those sheets were near the length allowed by the establishment.

Q. Did you acquiesce in the proposal made by Sir William James, to take the first men that passed by?

A. Sir William James very candidly proposed, to call in any of the pensioners, and to take their sense, that might be near the Council-room; I acquiesced in that. The Reverend Mr. Cooke said, there were a number of people surrounding the doors, whom he said, he believed, had been selected and placed there for the purpose by Captain Baillie. I said to that, if the Committee would send to the guard, they might take the sense of the men promiscuously, or they might go into the wards of the Hospital, and see the sheets upon the men's beds, and the shirts for the next day; that was objected to by Mr. Cooke and the rest of the Directors; Sir William James, I thought at the time did appear to acquiesce to it, he said nothing.

Q. Was the Reverend Mr. Cooke one of the Committee?

A. No, he was not.

Q. Was he present in the room all the time?

A. He was generally present; he walked in and out when he pleased; he was there the greatest part of the time.

Q. Did he give his opinion upon any transactions that passed?

A. Perpetually; the moment that Mr. Lefevre came in, he said he objected to his evidence, and Mr. Barker took his advice; and I beg leave to say, his father's evidence was treated in the same manner.

[Captain Baillie withdrew.]

Monday, the 10th of May, 1779.

Sir MERRICK BURREL called in.

Q. Whether you was a member of the Committee that sat at Greenwich Hospital last summer?

A. At what meeting does your Grace mean; I was at one meeting only, as I recollect.

Q. My question was, whether you was a Member of that Committee?

A. I rather believe I was, but I protest I cannot absolutely say.

Q. I beg to know whether you did not attend?

A. Once.

Q. Whether your recollect, whether the evidence which Lieutenant-Governor Baillie called, was heard without hesitation or objection?

A. Upon what occasion?

Q. The day when you was there?

A. I never was there but one day; that day was looking over the linen; there was I, and one other Director there.

Q. Whether you recollect, whether you did not yourself interfere once to desire, that Captain Baillie's evidence might be heard?

A. I verily believe, if I saw any thing that I thought was rather oppressive, I should most certainly mention it; and I rather apprehend I said, let that be looked more into, or something of that sort.

Q. Do you recollect, whether Captain Allwright's evidence upon the charges concerning the linen was objected to?

A. My memory don't serve me in that affair.

Q. You will endeavour to recollect, whether you did not yourself particularly desire, that Captain Allwright's evidence might be heard?

A. I dare say I did; if I saw it right, and fit that his evidence should be given over again, I dare say I did.

Q. It was not to be given over again that I ask, but whether you do not recollect that Captain Allwright's evidence was refused to be heard concerning the linen, and that you interfered, and desired that it might be heard?

A. I dare say I did; I do not recollect any thing

of it; but if it was a reasonable thing, I am sure I did.

Q. I beg you will recollect, whether that fact is so; whether Captain Allwright's evidence was refused?

A. I can say no more to it; it is a great many months ago.

Q. Whether it appeared to you, that Captain Baillie produced strong evidence in support of his charge concerning the linen, or not?

A. Upon my word, the evidence differed so much that day, and gave their reasons why the linen was shorter, that I really did not know how to determine upon it.

Q. Did it then appear to you, that it was doubtful, whether Captain Baillie had made out his charge or not?

A. There were a parcel of people there; the women that washed the linen contradicted one another in so extraordinary a manner, that I could hardly form a judgment.

Q. Whether the result of that examination was, that your mind was left in doubt, whether the charge was proved or not?

A. It was so.

Q. Do you then think it was right in that Committee to say that Captain Baillie had not made good his charge?

A. I must answer, that in what I have said before, the witnesses were diametrically contrary to one another, that I really gave credit to neither of them.

Q. I think you have said, that your mind was left in doubt, whether the charge was proved or not?

A. I think that was the case?

Q. Then, whether you thought the Committee ought to have reported that the charge was groundless?

A. There was but one of us, I and another Director; I believe that the other Director might rather think it stronger than I did; I do not know that he did.

Q. Who was that other Director?

A. It was Mr. Cust.

Q. Do you recollect, whether there were any Minutes taken of that day's proceeding?

A. Upon my word I do not recollect whether there was or was not.

Q. Can you say whether any Minutes were read to you for your approbation?

A. I protest I cannot give an answer to it.

Q. Did you ever give your consent, to say the charge of the linen was not founded?

A. I do not recollect that ever I did; I believe I did not.

Q. Did you observe any thing improper in the behaviour of Captain Baillie, or of Mr. Cowley, who assisted him?

A. I did not.

Q. Whether you at any time desired that Mr. Cowley might be heard in answer to Mr. Morgan?

A. I do not remember a word of any thing about it.

Q. Do you recollect the Clerk of the Works, Mr. Mylne, attending there that day?

A. I am persuaded he was not there that day.

Q. Do you recollect any person using any bad language towards the Lieutenant-Governor?

A. Upon my word I cannot say that I do; there was nothing improper that I heard, either on one side or the other.

Q. Do you not recollect any body's calling the Lieutenant-Governor a blackguard?

A. I think I could not forget that; I don't remember a single word of it, upon my honour.

Q. What was the day that you did attend?

A. Upon my word I do not recollect.

Q. What was the reason you did not attend afterwards?

A. I was after that chiefly in the country.

M m

Q. Had

Q. Had you no other reason for not attending the Committee?

A. I am a very old Director there, and latterly I have very seldom attended at all. I can excuse myself for it; because when we attend we are paid, and when we don't, we have nothing for it; and I don't believe I have attended above six or seven times in the year.

Q. Was you perfectly satisfied with the method of conducting that enquiry?

A. So far I was satisfied with it; because Mr. Baillie declared, that he had no manner of objection to any thing that the Directors had done, or to that effect.

Q. I beg you will explain that, for I do not quite understand it?

A. When we had the first meeting there, it was left to the Directors to settle what complaints he had made; he then declared that he had nothing to say against the Directors; upon which I declared then, I have nothing more to do with it; I will not trouble my head any more about it, nor I never did.

Q. Did you attend there as a Director, to defend yourself against any charge, or as a member of the Committee appointed by the General Court to enquire into the charges?

A. I never was but once at the Committee, when we looked over the linen, and another time, when the Lieutenant-Governor made the charge.

Q. What other time do you mean by that?

A. When we looked over the linen; it is very clear we were once at my Lord Sandwich's, and there his book was read; and, upon my word, when I came to hear the book, it was so extraordinary a book, that I thought it hardly deserved almost a consideration; I must carry it so far as, that I pitied the poor man.

Q. Was that time that you attended at my Lord Sandwich's, previous or subsequent to the Committee's Meeting?

A. The Committee that I went with; Mr. Cust was afterwards; Mr. Cust was my neighbour; he said there was a Committee, and desired me to go; I said, I would go once with him, but did not know what to make of this affair.

Q. I beg you will inform the Committee, whether you attended that Committee as a Director, or as a Member of the Committee?

A. As a Director, I never looked upon myself to trouble my head about the Committee.

Q. Whether you afterwards attended at the General Court that was held at the Admiralty in August?

A. No.

Q. Whether you had any reason for not attending?

A. None upon earth; I certainly should have attended if I had thought it imported any thing.

Q. Are you apprized of what was done at that General Court?

A. Indeed I was not, I was out of town many months, and had heard nothing of it till I came to town.

Q. Do you recollect now what was done at the General Court?

A. Upon my word I don't know any thing of it.

Q. If you had attended at that General Court, did you see reason enough by your attendance at the Committee, to have voted for the suspension or removal of Captain Baillie?

A. As I was not there, I cannot form a judgment of what should have happened, as I did not hear what passed.

Q. Did there appear sufficient ground to you, from what you saw at the Committee, to think that Captain Baillie ought to have been removed?

A. As I said before, I pitied Captain Baillie; I thought him an improper man to have been there.

Q. Whether there appeared any thing at that meeting of the Committee, at which you assisted in

Captain Baillie, that made him deserving to be removed from his office?

A. What passed there, I did not see any thing, I cannot almost give an answer to that; the man seemed so extraordinary a man; there were many things in the book which I believed at the time, I find are not so particularly, which we had nothing at all to do with; there are abundance of people that were there; there was a protest, that there were a vast number of landmen; upon being better informed, I find there are a very few.

Q. Do you recollect how many landmen there are?

A. I have heard but very few; there are the two clergymen, which, in my humble opinion, ought to be seamen, and there are two or three more I have been informed; I had an opinion from Mr. Baillie and his friends, that there were a vast number there; I found it the contrary afterwards upon examination; when I say his friends, I mean the people that lived in friendship with him.

Q. Do you recollect that Captain Baillie in his book, has complained of there being more landmen than there really is?

A. I cannot give an answer to that, I can give an answer so far, that I always did understand, that the great force was upon landmen, that were put in improperly, which certainly is improper; but when I came to be informed, I find there is not that quantity of landmen put in that I expected.

Q. Was you desired to sign the report of the Committee?

A. I should think not; I was not there, and so I could not be desired to sign it.

Q. Do you recollect the examination of John Glas, and Boatwain Gough?

A. They were never examined before me as I can recollect.

Q. Don't you recollect Boatwain Gough being turned out of the room?

A. Upon my word I do not. Was it at Greenwich?

Q. It is of Greenwich I am enquiring, it would not be proper for me to say it was, I am asking you the question?

A. I do not recollect.

Q. Do you recollect any warm words passing between Mr. Morgan and Lieutenant Gordon?

A. Indeed I do not; many of those things happened when I was not there, for I had been but at two or three meetings; I might have been there, but I do not recollect it, I very seldom attended.

Q. Do you recollect any reason given by Captain Maplesden why the linen was badly washed?

A. Indeed I do not; in short the greatest part of that meeting was a squabble between the washerwomen and both the parties; they contradicted one another in the strongest terms that could possibly be.

Q. Do you recollect any reason given by Captain Maplesden, why the shoes were worn out by the men, particularly by their working on copperas grounds?

A. Upon my word I never heard one single word of the shoes.

Q. You have said, you was at one meeting at Lord Sandwich's, I beg you to recollect, whether you are sure it was at Lord Sandwich's House, or whether it was at the Board at the Admiralty?

A. I never was at the Board of Admiralty in my life; it was in a large room, my Lord Sandwich was there; if his Lordship will be so good as let us know where it was.

(From the Earl of Sandwich.)

Q. Was it not in the same place where I saw you, where the General Court always meets?

A. I never was at the General Court in my life.

Q. Not at the General Court of the Governors of Greenwich Hospital?

A. I protest I cannot take upon me to say what room it was; I think it can be of no great consequence what room we were in.

Q. I think you said you pitied Captain Baillie?

A. I

A. I did.

Q. What occasioned your having pity for Captain Baillie?

A. When I heard the book read, there were many things in it, that afterwards appeared to me not to be facts.

Q. Whether you know of any case whatever, in which Captain Baillie misbehaved as deputy Governor of Greenwich Hospital?

A. I never heard any thing against that gentleman's character in my whole life.

Q. You have said that there are in Captain Baillie's book some things, that afterwards appeared to you not to be fact; did they appear so from information, or from your own knowledge?

A. It was rather, when I talked to other people who knew it; it was their opinion and mine too, that there were many things exaggerated.

Q. It is a very serious charge against Captain Baillie, that he had advanced things that were not fact; do you say from your own knowledge that it was so, or from conversation with other people?

A. I believe it might be from conversation with other people.

Q. Whether there is any one fact stated in his book, that you know not to be true?

A. I cannot lay my finger upon any one fact, but there are many things that appear to me to be very much exaggerated.

[Sir Merrick Burrell withdrew.]

Captain ALLWRIGHT called in.

Q. Whether you know when the posts and rails round the Hospital were taken down, of which the blind men complained?

A. They were taken down since the present Clerk of the Works has been appointed.

Q. How many years ago?

A. I believe it was within these three years; I cannot speak positively as to the time.

Q. Was it before Captain Baillie's case was heard?

A. Yes.

Q. I beg you will say whether, since that time, they have been put up again?

A. I know of none put up.

Q. Are they put up to this day?

A. I know of none.

Q. Whether you know, in general, that Captain Baillie's conduct towards the pensioners has been meritorious or otherwise?

A. I have always entertained the highest opinion of him, as Lieutenant-Governor of the Hospital, and as Captain of the Hospital before.

Q. Has there been any merit in Captain Baillie, relative to the men's broth?

A. Certainly.

Q. What was the state of that?

A. There was a great quantity made, more than necessary, for the pensioners, from the pensioners meat, and the broth was frequently taken away; there was broth, as it appeared upon an enquiry at the Council, overplus, that was sent to a man in some part of the town; and many people fetched broth that had no right, that boiled no meat in the copper.

Q. And was that remedied, owing to any pains Captain Baillie took about it?

A. Entirely; I have stated some complaints to Captain Baillie, that broth had been pillaged, and more than once.

Q. Have any attempts been made since that was abolished to renew that practice?

A. There have been some people fetched broth away that I have taken notice of; and, indeed, represented it to Council, to desire that the Cook, and the people in the kitchen, might be enjoined to attend to the orders of the Council.

* The barber, by the establishment, is allowed an halfpenny per man, per week, for shaving two thousand two hundred pensioners, amounting to above 238l. per annum; and being above doing any duty himself, his deputy extorted another halfpenny, per week, from the pensioners, till Captain Baillie caused that custom to be abolished.

Q. Who were these attempts by?

A. By a man particularly, that I saw a labourer in the Hospital, under the directions of the Clerk of the Works.

Q. Have you any reason to think that it was with his privity or knowledge?

A. I cannot answer that question.

Q. Has Captain Baillie had any merit in the Hospital, with respect to the barber and the shaving of the men?

A. Without a doubt the barber used to shave the people but once a week; it was represented to the Council, that the pensioners could not go decently to chapel of a Sunday, if they were not shaved oftener than once a week; the emoluments of the barber appeared to be very great; and it was thought by the Council* necessary to have them oftener; the deputy barber did exact a halfpenny a man from the pensioners who shaved oftener; and, by a regulation that was made in the Council, advised by the Lieutenant-Governor, a regulation for their being shaved twice a week, and the barber made a greater allowance to his deputy on that account.

Q. And are they now shaved twice a week gratis?

A. If they go in the time of shaving, I believe, they pay nothing.

Q. And is that alteration in shaving owing to Captain Baillie's having stirred in the business?

A. I believe it is.

Q. Has Captain Baillie any merit, in respect to having convicted the butcher's servant?

A. Yes; he was exceedingly active in that matter.

Q. Has Captain Baillie always behaved properly in the Hospital towards the men?

A. I think so.

Q. Has he been sober?

A. I think so, very much.

Q. Diligent?

A. Diligent, I think, undoubtedly.

Q. Where did the fire begin in the Hospital?

A. Somewhere near the Taylor's loft, near a stack of chimnies, between that and the Duke of York, and King's Ward, somewhere that way, but the exact part I cannot take upon me to say.

Q. Under whose care is the Taylor's shop?

A. I should suppose it is under the direction of the civil people, the Steward, and those people.

Q. Was any Council of the House called upon that occasion, to enquire into the cause of that misfortune?

A. I know of none by the Council; a Magistrate was down; if there was any by the Council, I was not present.

Q. Have you been in Greenwich Hospital the whole time that Governor Baillie has been Lieutenant-Governor?

A. Yes; the whole time he has been Lieutenant-Governor.

Q. Whether you know any one instance of Captain Baillie's misbehaviour, as Deputy Governor?

A. In my own opinion, I know of none; it may be matter of opinion; respecting the case of the Hospital, I say nothing to that; but, in any thing within my own knowledge, I say not.

[Captain Allwright withdrew.]

Mr. EDWARD BOXLEY called in.

Remainder of this Day's Interrogatories, by Earl Ferrers.

Q. Pray what is your office in Greenwich Hospital?

A. I am Clerk to the Treasurer of Greenwich Hospital.

Q. Pray who is Treasurer?

A. Alexander Hood, Esq.

Q. He is Captain of a man of war, I understand?

A. Captain of a man of war.

Q. Is

Q. Is he upon full, or half-pay?

A. I really do not know.

Q. What emolument occurs to the Treasurer of Greenwich Hospital?

A. The Treasurer of Greenwich Hospital's emoluments are 200l. a year.

Q. What other emoluments has he besides the 200l. a year salary?

A. Apartments in the House, and allowance of sundry necessities; such as coals, candles, and other kinds of necessities.

Q. Then I apprehend you are appointed to do the business in this Hospital, as Clerk to Captain Hood?

A. The Treasurer, Captain Hood, has appointed me, by power of attorney, to receive and collect all the monies, and pay all the monies in virtue of his office, as Treasurer of the Hospital.

Q. What are you allowed for so doing?

A. My salary, as Treasurer's Clerk, is 50l. per annum, and I have apartments allowed me in the Hospital to live in.

Q. Who is the Steward of Greenwich Hospital?

A. Mr. John Godby is Steward of the Hospital.

Q. And what money do you pay Mr. Godby, the Steward of the Hospital; by the year, or monthly?

A. I cannot recollect the exact sum that I pay him; there is a book made out, quarterly, of the salary for all the officers in the Hospital, and that book I make out at the Steward's office; it goes to the Clerk of the Cheque's office, there it is examined; from thence it is sent to the Treasurer, and he pays by that book quarterly.

Q. And that you pay to Mr. Godby quarterly?

A. Mr. Godby's salary for himself and clerks I pay quarterly.

Q. How much is that?

A. I cannot say exactly the sum, but it is an established salary for himself and clerks.

Q. What does the Derwentwater estate bring into Greenwich Hospital?

A. I have brought some papers to refresh my memory, I cannot answer it without referring to them; if your Lordships will please to give me leave (*refers to his papers*). The remittances from the Derwentwater estate are made by bills that the Receivers send up to the Treasurer, from time to time, upon account of these bills, when the monies are received for them are brought to an account and carried in the Treasurer's account under the head of the Derwentwater estate; the sums received by the Treasurer of Greenwich Hospital is the neat monies that is received, the Treasurer knows nothing more of the Derwentwater estate than the neat sums remitted to him and brought to account; the annual sums received for several years past I have here.

Q. What were they in the last year?

A. In the year 1778 ending the 31st of December, the Derwentwater estate remitted to the Treasurer of Greenwich Hospital 15,000l.

Q. Is that all?

A. That year.

Q. For the whole year the two half years rents of Lady-day and Michaelmas made 15,000l. only?

A. The remittances are from the 1st of January to the 31st of December, during that time there are bills remitted to the Treasurer of Greenwich Hospital to the amount of 15,000l. *

Q. And no more?

A. Not in 1778.

Q. Are there no benefits from the lead mines on that estate?

A. The Treasurer's office knows nothing of that.

Q. You have in your account, I suppose, an account of every thing that is brought into the account of

Greenwich Hospital besides that of the Derwentwater estate, have not you?

A. Of the sums received upon the different heads.

Q. I should be glad to know it upon the different heads?

A. There are a great number of heads.

Q. You need only mention the gross sums, and what they are particularly for?

A. The neat amount of cash received by the Treasurer of Greenwich Hospital for the year 1778, 61124l. 6s. 3d-halfpenny.

Q. What is that the produce of besides that of the Derwentwater estate?

A. It is the produce of various heads of the revenues of the Hospital, the principal ones is money arising from merchant seamen's sixpences; there are sums received on account of naval seamen's sixpences on the Derwentwater estate; there are sums received the produce of the Northern and Southern Foreland lights; there is the interest of money in the Stocks; there was in the year 1778. for merchants seamen's sixpences received 10989l. 17s. 7d-halfpenny, upon account of naval seamen's sixpences, 19000l. the Derwentwater estate, 15000l. the produce of the North and South Foreland lights, 3103l. 18s. 3d. interest of money in the funds, 7828l. 3s. 6d. a Parliamentary grant, 4000l. officers half-pay that is received from the Treasurer of the Navy, appropriated to the use of Greenwich Hospital, 577l. 16s. 3d. upon account of forfeited shares of prize money, 293l. 15s. 10d. sundry rents of houses belonging to the Hospital, of which the rents are collected, 109l. 11s. 6d.

Q. That is a small sum?

A. The Hospital have bought houses and lands contiguous to it, in order to enlarge it, formerly, and they have appropriated some parts, but not the whole, and those lands that have not been built upon for the use of the Hospital remain in private houses and are let to tenants, some two or three odd houses that are of small value, the whole rent collected in 1778, amounted to 109l. 14s. 6d.

Q. Is that including what is in Greenwich and in London, because I apprehend Greenwich Hospital has houses in London as well as at Greenwich?

A. It is those in London and those about Greenwich; there is one article more, a legacy left to the Hospital of 100l. which I received, that is the whole received by the Treasurer in 1778.

Q. Do you know what the Derwentwater estate brings in annually?

A. I can acquaint your Lordships with the neat sums received; there are different sums annually received; I have collected them from 1771 to 1777, and I have formed a medium for these seven years; in 1771, 20,000l. and the medium of the whole for these seven years, from 1771 to 1777, is 16528l. 11s. 5d.

Q. Then the Derwentwater estate, instead of being better since 1771, is infinitely worse by this account?

A. In the year 1771, 20,000l. 1772, 17,500l. 1773, 21,500l. 1774, 14,500l. 1775, 21,000l. 1776, 15,300l. 1777, 15,900l. 1778, 15,000l. these are the neat sums received by the Treasurer in those respective years.

Q. What reason do you give for the Derwentwater estate falling so much lower in that year and in the year 1774?

A. It is not possible for me to give an answer to that.

Q. There has been no new leases, can you give an account of any new leases?

A. The

* There are large deductions for coals, &c. supplied to the Hospital.

† Lord Sandwich in his speech, took great merit to himself; in the increase of the revenues of the Hospital.

A. The whole account of the Derwentwater estate is settled at certain periods, the receivers of the estate send up their accounts debtor and creditor to the Board of Directors, Mr. Ibbetson, the Secretary to the Board of Directors, has those accounts; Mr. Maule, the Clerk of the Cheque, has likewise the counterparts of those accounts, and they are settled and audited by the Board of Directors, from time to time, but the Treasurer knows nothing but the neat bills remitted from time to time by the agents.

Q. The receivers of these rents I understand are not in town, but I think you say Mr. Ibbetson can give as full an account as any of them?

A. The whole accounts of the receivers of the Derwentwater estate are sent up among the other accounts; Mr. Ibbetson I suppose has those accounts, the Clerk of the Cheque, Mr. Maule, his office is to have counterparts of all the office business entirely, and for any further particulars reference must be had to those officers.

Q. Is not there a Rectory upon the Derwentwater estate?

A. I have been a very little time in Greenwich Hospital; I may have heard there is such a thing, but I am much unacquainted with the Derwentwater estate in every shape.

Q. You do not pay Mr. Godby any money more than what you have acquainted us of, do you, upon any occasions?

A. Mr. Godby has the payment of a great number of articles as Steward of the Hospital, for which he applies to the Board of Directors, from time to time, to have money imprest to him, in order to carry on the current payments as Steward of the Hospital; the Treasurer receives directions from the Board to let him have so much money from time to time, and he accounts every six or twelve months, whenever the Board call for it for those sums so imprest.

Q. You have been in this office a twelvemonth I apprehend?

A. I have been in this office three years.

Q. Give me the particulars from January, 1778, to January, 1779, of what you paid Mr. Godby, with the dates?

A. It will be a work of considerable time to collect them from a book I have.

Q. If you can give us the sums as you paid them in the gross it will do as well?

A. The amount of the household accounts for the year 1778, I can inform your Lordships, which accounts he has the money imprest to him, and settles it from year to year.

Q. Inform the Committee of that then?

A. The amount of the household accounts for 1778 is 50,591l. 7s. 5d.

[Mr. Edward Boxley withdrew.]

Mr. IBBETSON called in.

Q. What has the Derwentwater estate brought in? What the Lady-day rents, and what the Michaelmas rents have been?

A. I am not prepared to answer that question; I have heard the last evidence say that the accounts come to me; it is very true they do; but they are sent by me to the Clerk of the Cheque; but the receipts, on account of the Derwentwater estate, are very various; they differ much, annually; because a great part of the revenue arising from the Derwentwater estate, perhaps a third, or more, arises from the lead mines; they have a great quantity of lead on hands, sometimes; they don't sell it for two or three years together; and that occasions the difference between the net receipt of the Hospital one year with another.

Q. Do you think the net revenue of the Derwentwater estate is less since 1778 than 1771?

A. I do not know what the net receipts were; the rents have certainly encreased; the mines differ much;

one year may produce 8000l. another not half the money; mining is exceedingly uncertain.

Q. There is a valuable rectory upon this estate?

A. The rectory of Simonbourne; I presume, your Lordship alludes to?

Q. What does that bring, annually, to the Rector?

A. I have heard a thousand a year, or more.

Q. Who is the present Rector?

A. The Rev. Mr. Scott.

Q. Was he ever at sea?

A. I never heard that he was.

Q. Are there not, frequently, on board of men of war, clergymen that might have that divided among them, that it might be of use to?

A. There certainly are many Chaplains in the navy; and certainly a thousand a year would bear a division?

Q. Was not there a perpetual advowson bought with some of Greenwich Hospital money?

A. Greenwich Hospital was originally entitled to a third part of tythes, and a third part of the presentation to the vicarage of ———; they have bought the other shares of tythes, and of the presentation; and the purchase made no great difference; the other thirds of the presentation, and of the tythes, was thought an eligible thing for Greenwich Hospital to be possessed of; the living was not more than 50l. or 60l. a year; and it was thought worth while to have a clergyman in that part of the country.

Q. Who has it?

A. Mr. Lancaster; he has been presented to it a great many years.

Q. Has he been at sea?

A. I do not know.

Q. Where did he come from?

A. I imagine he is of that country; a Cumberland man.

Q. Then it is probable that he never was at sea?

A. A Cumberland man might be at sea as well as a man of any other country.

[Mr. Ibbetson withdrew.]

Friday, May 14, 1779.

Rev. Dr. SHEPHERD called in by Lord Sandwich.

Q. Whether you was ever applied to, by any body, to propose to Lord Sandwich an accommodation with Captain Baillie?

A. I was.

Q. By who was that?

A. It happened by the following accident.

Q. By who was it?

A. Mr. Murphy; it happened from the following accident; as Leffer and Fellow of Christ's College, in Cambridge, I had a law suit tried at assizes last Summer, in which Mr. Murphy was one of my Counsel; coming to town, a little before the last Michaelmas Term, I called upon Mr. Murphy at his Chambers, to ask his opinion, whether it would not be expedient to have a new trial; having finished the conversation upon this subject, Mr. Murphy pointed to several bundles of papers in his room, and said, all those concern a friend of your's; this he explained, by saying, they were the charges of Captain Baillie against Lord Sandwich and the Officers of Greenwich Hospital; he said it would be a very troublesome affair, and he could wish to recommend it to his Lordship to make it up; he added, that Captain Baillie had commissioned him to say, that he would take an equivalent for his Office; had he any acquaintance with Lord Sandwich, he would have made this proposal to his Lordship from the Captain; I know you have, I wish you would do it; I have made the same request to Mr. Garrick. I heard all this, took my leave of him, but made no answer.

Q. When, in that month, did this happen?

A. It was either in the last week of October, or the first of November;* and on my return home I

* This was before the trial in the Court of King's Bench.

considered of the matter, and determined not to mention it to my Lord; thinking it was not for his Lordship's honour, to enter into a private treaty with a person who had accused him publicly.

[Rev. Dr. Shepherd withdrew.]

LANCELOT BROWN, Esq. called in.

Q. Whether, at any time, you was desired to make any proposals to Lord Sandwich, of an accommodation with Captain Baillie?

A. I was; in November last, I went to Serle's Coffee-house in the evening, I think it was the day the rule was discharged in the Court of King's Bench; I saw Mr. Murphy there; the subject of the conversation, at that place, was relative to Greenwich Hospital; Mr. Murphy joined in the conversation. I said to him, I think your friend Captain Baillie has gained a defeat, by the judgment of the Court of King's Bench to-day. Why, says he, I hope Lord Sandwich does not mean to dismiss him from his Office. I said, why I see no reason he should not do it. He took me aside to another box; he said, if Lord Sandwich would not proceed farther, in this business, Captain Baillie would be very willing to give up all his papers, otherwise they must be printed, and I wish you would tell Lord Sandwich this. I took the earliest opportunity, I believe the next morning with his Lordship at breakfast; he despised the threat of his publication, and said, he would hear no more of the subject.

[Lancelot Brown, Esq. withdrew.]

EDWARD BEARCROFT, Esq. called in.

Q. I beg to know, whether you was one of Captain Baillie's Counsel, in the Court of King's Bench?

A. I was.

Q. Was Mr. Murphy one of his Counsel?

A. He was.

Q. Had you any authority, from Captain Baillie, to treat, in order to bring about an accommodation between him and Lord Sandwich?

A. I have already said, that I was one of Captain Baillie's Counsel; I know nothing that has the most distant relation to the business before your Lordships, but strictly and merely in the character of Counsel to Captain Baillie, in the Court of King's Bench, before that business came on; in that situation I conceived, and I trust your Lordships will be of the same opinion, that I ought not to be examined to any thing that passed between Captain Baillie and me, merely and simply; I repeat the words again, because they convey my idea upon the subject, in the character of Client and Counsel.

Earl of Sandwich. I have no desire of examining you, unless Captain Baillie consents that you shall be examined; and therefore I desire Captain Baillie may be called to the Bar.

Captain BAILLIE, called in.

Q. I desire Captain Baillie may be asked, whether he consents and desires, that Mr. Bearcroft should be examined, touching the proposal of an accommodation with me; Mr. Bearcroft being his Counsel?

A. I do not rightly conceive upon what points your Lordship speaks to.

Earl of Sandwich. Upon the proposal of an accommodation between you and me.

A. I wish Mr. Bearcroft may speak to every thing in general that he was employed in by me, relative to the whole transactions of Greenwich Hospital; I have no secrets; I told your Lordships before, and shall be very happy that he may be examined upon every point your Lordships think proper.

Mr. BEARCROFT called to the Bar again.

Q. Had you any authority from Captain Baillie to treat, in order to bring about an accommodation between him and me?

A. My Lords, I understand Captain Baillie, and I wish he would understand that I do so understand him; that he has no manner of objection to my disclosing any thing that I happened to know from him. Is it so, Sir?

Captain Baillie. Yes.

Mr. Bearcroft. I never had any direct authority from Captain Baillie to propose any accommodation with my Lord Sandwich; but I would give what will be an answer to the question; I presume that is an account of any thing that relates to a proposition of an accommodation in any degree on the part of Captain Baillie. I was one of the Counsel for Captain Baillie; after some conversation with him, seeing a state of his case, and an acquaintance with the affidavits that he meant to produce, I was struck with a strong wish to serve Captain Baillie; upon the consideration of what was the best way to serve him, it struck me that an accommodation was the best way to serve him; I was determined to propose it, as far as it became me in the character of Counsel, to do it, and not to go a bit further out of that character; I told Captain Baillie, therefore, that I was very ready in any way to sound the Counsel on the other side, if such a thing was practicable; I therefore desired to know of him if he had any objection to that being done; I will do Captain Baillie complete justice; he seemed to me at first to be extremely averse to any thing of the kind; at last, I perfectly recollect that he did authorize me to sound at distance the Counsel on the other side, whether any accommodation could be made of the business, and that before it came on in the Court of King's Bench; in consequence of that authority, I did at a distance, and a very great one, sound the Counsel on the other side, meaning that it should not be understood on the other side, that I had any actual authority or desire on the part of Captain Baillie, to make such an application; I received such an answer, that discouraged me from going any farther; the particulars of the answer I do not recollect, but it gave me an idea that nothing of the sort would be hearkened to, and therefore I desisted; that I reported to Captain Baillie.

Q. Do you recollect whether Captain Baillie had any conversation with you and Mr. Murphy at your chambers upon the subject of your negotiating for him?

A. Most certainly; at several different times.

Q. Can you tell whether Captain Baillie consulted most with you or Mr. Murphy upon this subject of negotiating?

A. I cannot say at all; it appeared to me that he consulted us both equally.

Q. Can you tell who settled Captain Baillie's affidavits for the Court of King's Bench, and prepared his brief for Counsel?

A. I believe, and am sure, indeed, that Mr. Murphy settled the affidavits; I am sure it was so.

Q. Do you think that Mr. Murphy was as much Captain Baillie's confidential Counsel as yourself?

A. It is extremely difficult to measure the degrees of confidence in the situation of the several Counsel; but I have no reason to observe, or upon recollection to say, but that equal confidence was reposed in either of us.

Q. Did you, in consequence of the authority given to you, or agreed between Captain Baillie and yourself, attempt to bring about any kind of negotiation?

A. I certainly had authority, as I before meant, and I hope did declare to your Lordships, to sound the Counsel on the other side, in the business in the Court of King's Bench, to try if there was any probability that such a thing should be carried forward.

Q. Lord Sandwich. Did you ever hear, receive, or know of any proposal made by me, or by any body employed by me, to negotiate?

A. No, my Lord; certainly not.

Q. Mr. Bearcroft has been asked, whether he was present at any meetings with Mr. Murphy and Mr. Baillie where this business was talked of?

A. Several,

A. Several, I think.

Q. Whether that was prior to the decision in the Court of King's-Bench, or subsequent?

A. Prior, I believe; I am almost sure*.

[Edward Bearcroft, Esq. withdrew.]

ARTHUR MURPHY, Esq. called in.

Q. Whether you had any authority to treat with Mr. Butler at the time of your conversation with him at Serle's Coffee-house?

A. I hope the noble Lord will pardon me, if before I answer the question, I beg leave to address a few words, a very few to your Lordships; I am aware that I troubled your Lordships when I was here before with objections to being examined. I do not come now to demur to a single question; but I must beg leave to say, that to the objections that I then had, I hope your Lordships will allow that I may add to the catalogue of my objections to my future government some additional ones, because I could not foresee then every thing that happened; I could not foresee, that after I had given my evidence, Captain Baillie standing at my elbow, that three days afterwards he was to be called to your Bar, behind my back †, without notice to me to read a prepared; I don't know what to call it; I don't wonder at Captain Baillie's struggling; I don't wonder at his speaking the language of disappointed passions; but it would have been manly in Captain Baillie (for I have been used where a witness has been contradicted to see them confronted) it would have been manly then to have desired it whilst I was here; since that was not done, notice of the three days preparation might have been given to me as a gentleman at the Bar; and though I do not pretend to be of a size to have deserved that from any Lord of Parliament; yet I do presume to say that might have been a delicacy not unworthy of any Lord of Parliament, having said that, I beg leave to say to your Lordships that I have in my hand an extract of all the passages in Captain Baillie's last evidence that relate to me; and I do beg that there may be reference to the notes, that it may be seen whether I have extracted them fairly myself, that I may comment upon them paragraph by paragraph.

[Arthur Murphy, Esq. withdrew.]

Monday, May 17, 1779.

ARTHUR MURPHY, Esq. called in again by Lord Sandwich; some objections made by Lords on the other side, but carried in the affirmative.

Q. Whether there was any injunction of secrecy laid on Captain Baillie respecting the negotiation?

A. There was in the strongest terms that could be required.

Q. By whom?

A. By me; and it was on the morning after I saw Lord Sandwich at the Admiralty, on a Tuesday, I appointed Mr. Butler, who was at the Admiralty at the same time; I was to be at my chambers the next day at eleven o'clock; I told him I should let Capt. Baillie know it, that the meeting should be at that time, and in Mr. Butler's presence, before I opened a single syllable of the conversation I had with Lord Sandwich, I stipulated secrecy for myself, telling him I knew mention had been made in this house of an enquiry, and that let what would come of the negotiation, I desired never to become a witness or have my name mentioned about it, and endeavoured to impress upon his mind, as strongly as I could, the nature of all negotiations of that kind, that gentlemen wished to have them private, and therefore he did promise secrecy absolutely respecting me.

Q. Was that with or without any condition?

A. An absolute general promise, and I did not at that time think him capable of any mental reservation whatever; if I had thought so, I should not have entered at all into the business.

Q. Did Lord Sandwich impose secrecy?

A. The only word out of his Lordship's mouth that could import any thing like it was what I mentioned when I was here last, "I converse with you because I believe, or know you to be a man of honour;" I understood them thus; I talk with you as a man of honour, and therefore rely upon your honour, that you will at all times do me justice relative to this conversation.

Q. Had Capt. Baillie any reason to believe that Lord Sandwich required secrecy?

A. Not a word of the kind dropt from me; and I should have done Lord Sandwich injustice if I had represented that ever his Lordship did require secrecy.

Q. For whom then did you require secrecy?

A. For myself alone, giving every reason that occurred to me, telling how odious it would be to me at any time to be a witness.

Q. Do you know of any authority given by Capt. Baillie to Mr. Bearcroft to negotiate for him?

A. I was not present when that matter first passed between Capt. Baillie and Mr. Bearcroft; the first I heard of that which was from Mr. Bearcroft, before I heard of that Capt. Baillie and I had conversation upon that subject; Mr. Bearcroft told me Capt. Baillie was willing to negotiate and compromise the matter if it could be done; I told him I always found him so disposed, he said he found some difficulty with him. I said I found none, for upon that subject he always seemed consistent; I was then drawing out the affidavits from him. I said I always found him consistent with what he had sworn to; the purport of the affidavits was, that he was always willing to resign upon a compensation; I always understood him to be willing to quit the hospital, if that could be done for him. From the first time I saw Capt. Baillie, I still was employed in drawing his affidavits, a thing I never did for any man in my life before. I said I should like to go to Mr. Bearcroft's chambers to tell him the plan upon which I was going to draw up those affidavits; he went with me, after a little conversation upon the subject of the affidavits; we then talked of negotiating; it was the clearest the fullest consent to both of us to bring about a negotiation if we could. Mr. Bearcroft then, in Capt. Baillie's presence, proposed how he should do it; he said we will talk to the Solicitor-General; if he will encourage us to treat with him, we will go up into his chambers, shew him our briefs, we will shew him how the rule in the King's Bench must be discharged, and give him every reason why it is better to end the matter in this manner, and do it if we can; nothing more passed in the presence of Mr. Bearcroft.

Q. Did Mr. Bearcroft and you talk with the Solicitor-General on that subject of negotiation?

A. I believe Mr. Bearcroft did, for he told me so; I myself did, but had not sufficient encouragement from the Solicitor-General to go very far. I made all the approaches to it that I could, and as I said before, he gave those half expressed answers that I collected from him; he had no authority I believe when I first spoke to him, that he had not his brief; he signified, that if there was any such intention, he should hear of it.

Q. Did you mention it to Capt. Baillie?

A. Yes, I did, and that I should certainly try it in another way. I had seen Mr. Garrick.

Q. Did you try it any other way?

A. I had occasion to see Mr. Garrick, which I did in the latter end of October, and understanding that Mr. Garrick was living in society with Lord Sandwich, I took occasion to mention it to him. I never

* It is no wonder Captain Baillie should have consented to a negotiation at the desire of his Counsel, when he was ready to be overwhelmed with six prosecutions; but it is very unlikely he should propose one when all the rules were discharged, to the general joy of a crowded Court.

† Mr. Murphy must know that no witness dare reply, without being called upon so to do.

saw Mr. Garrick afterwards, so I did the same to Dr. Shepherd. Capt. Baillie was in my chambers at the same time; I remember as soon as Dr. Shepherd was gone, I told Capt. Baillie that I believed that was a nail that would drive; I told him of Mr. Brown also. I told him constantly what expectations or hopes I had. I told him all I did; he never retracted the authority he had given; he never countermanded them; on the contrary, he always seemed pleased with every effort I told him of*.

Q. When was you retained by Capt. Baillie?

A. I think in the month of March was twelve months. I was on the circuit, when he applied to me; I went into the Coffee-house, when I came to town, before I went to my chambers; they said a Capt. Baillie wanted me; he asked them if there was any attorney I particularly used; they happened to know that Mr. Shepherd, in Boswell Court, had been employed on my recommendation; he went to him, and he came with a retainer to me; then I saw Capt. Baillie and his pamphlet for the first time. I gave him my opinion about his pamphlet. I said I should be glad to see him the next Sunday; from that moment I believe I was Capt. Baillie's confidential adviser throughout; I was the person that advised him to retain Mr. Bearcroft; he said Mr. Dunning and other gentlemen of great eminence, he had been at their chamber, they were retained; I said I could not stand alone; there goes by a gentleman, a King's Counsel of great abilities, retain him, that was Mr. Bearcroft†. I did every thing when his enquiry was depending, if he delivered a letter to the Directors—who wrote it for him?—I.—If a letter to the Admiralty, who wrote it for him?—I.—When his affidavits were to be wrote, there were 200 sheets, who was to draw that? I said I would.

Q. Did Capt. Baillie ever desire you to make these applications?

A. I do not know that he *desired* me to make them; I have not said that. I think when I was here last, I said as my *recollection* is, he did not immediately desire me, but he knew of them and approved of them, and so I stated in a letter I had the honour to write to his Grace the Duke of Richmond.

Q. What was the date of that letter?

A. The sixth of April.

Q. Had Capt. Baillie any reason from you to suppose that Mr. Butler's direction came immediately and directly from Lord Sandwich?

A. If Capt. Baillie means by the message or answer I had from Lord Sandwich, by Mr. Butler, I did myself understand it came directly from Lord Sandwich, and I told him so—If Capt. Baillie believes that I had on the Monday, or any other day during my life, any message from Lord Sandwich, he had not the smallest reason for it; for I never received any message from Lord Sandwich during my whole life, except as I said before, that I had an invitation on the circuit to sup at Hinchinbroke.

Q. Did Capt. Baillie ever tell you that he heard it rumoured in the Hospital, that it was intended to remove him by giving him an equivalent?

A. Capt. Baillie told me he had heard in the Hospital, that the Directors had presented a new Memorial to the Admiralty, requesting that Capt. Baillie should be removed from the Hospital, with an equivalent provision; I said if that is done, that will be like men of honour, that will be an end to this whole matter, and very fair for you.—The next time he saw me, he said there was no such thing; I said I had reason to believe it was mis-information, for I understood from Mr. Brown to the contrary, that there was an intention to dismiss him.

Q. Was the meeting between you and Mr. Butler at the Coffee-house in Lincoln's Inn accidental, or otherwise?

A. I said before it was from Mr. Thrale's I came, that is hardly worth correcting, I believe it was from another part of the country that I came—I came by chance that morning into the Coffee-house; I saw Mr. Butler; it was purely accidental on my part; Mr. Baillie has since often asked me, whether Mr. Butler might not put himself in my way on purpose, that I have said I could not possibly say; it was accidental on my part.

Q. Who began the conversation upon that subject?

A. Whether Mr. Butler came there accidentally or not, I cannot say, but in the way the conversation was between us, I was the first mover of it.

Q. Did Capt. Baillie himself negotiate with Mr. Butler?

A. Yes, he did—but not at that time; I believe he was not so much as acquainted with Mr. Butler till I, on the Wednesday morning following, introduced him.

Q. Did you, on the Wednesday, say any thing to Capt. Baillie of the meeting between you and Mr. Butler on the Friday?

A. When we met on the Wednesday morning, I introduced Mr. Butler to him; Sir, this is the gentleman to whom you are obliged for carrying my message to Lord Sandwich; then I told him all that had passed relative to that matter over in Mr. Butler's presence, telling Captain Baillie, that my reason for taking all that up so early was, that Mr. Butler being present, might correct any mistake.

CHARLES BUTLER, Esq. called in again by Lord Sandwich.

Q. Lord Sandwich. Mr. Murphy considered you, I believe, as my Counsel?

A. He did.

Q. In that capacity, had you any particular directions from me to make that negotiation secret?

A. I had not the slightest directions from Lord Sandwich, at any time, to make the negotiation secret‡.

Q. Did you desire Captain Baillie to make it a secret?

A. I certainly did, at both the meetings which I had with Captain Baillie at Mr. Murphy's chambers. At the first meeting, the first thing that was said, was a desire that an agreement on all parties, that whatever turn the business might take, that it was to remain an entire secret. I had not any particular directions from Lord Sandwich to make that agreement, but I thought it was my duty to do so, and I believe it was.

Q. Did Mr. Murphy, at the first meeting at his chambers, inform Capt. Baillie of what had passed at Serle's Coffee-house?

A. The first thing that Mr. Murphy said at his chambers, after mentioning, that whatever event the business might have, it was to be kept a secret, was to inform Captain Baillie of every thing that had passed at Serle's Coffee-house, and applying to me to say, whether it was accurately told or not.

Q. Do you think it was possible for him to suppose, that the first time you came to Mr. Murphy's chambers, was the first time you had ever spoke to him of the business?

A. It was utterly impossible, in my apprehension.

Q. Whether you have ever said that Captain Baillie was a man of an ungovernable intemperate mind,

* It is very extraordinary that Captain Baillie, who, by Mr. Bearcroft's evidence, was so unwilling to treat even before the trial, when fine and imprisonment stared him the face, that he should be so eager afterwards to catch at every straw.

† Mr. Bearcroft was absolutely retained from a particular friendship, in a part of Captain Baillie's family connections with Mr. Bearcroft's brother and son, and Mr. Bearcroft has proved himself an honourable man.

‡ Then why should one party be bound to secrecy, and not the other.

that he had made himself odious to every rank of men in Greenwich Hospital?

A. I never used those expressions, either in this house, or out of this house—being desired, and I may say, compelled to repeat what had passed between Lord Sandwich and myself, I thought I was bound by my oath to represent what Lord Sandwich had said;—his Lordship said Captain Baillie was a man of an ungovernable mind, and had made himself odious to all ranks of men in the Hospital.—It would have been exceedingly indecent, I apprehend, for myself to have said so, I only represented it as what I heard another person say.

Q. Was not the Reverend Mr. Cooke present at the meeting you had with Lord Sandwich?

A. He was.

Q. Was Mr. Cooke ever told that what passed at that meeting was to be kept a secret, to your knowledge?

A. I believe he was. I know I considered myself concerned in a very nice business, and therefore it was my constant language to all parties not to mention it; I therefore believe it was mentioned to Mr. Cooke, but at this moment of time, I cannot immediately recollect that it was, but I believe it was.

Q. You considered the business of so delicate a nature, that it ought to be a secret.—Do I apprehend you might?

A. Yes.

Q. Then be so good as to explain why nothing was said to Mr. Cooke that you know of, to tell him he was to keep it a secret?

A. I endeavoured to tell your Lordships, and perhaps I was unfortunate in my manner, I believe it was mentioned to Mr. Cooke, but I do not know that it was; I considered that every person that was concerned in the business at all, whether he had an obligation of secrecy immediately imposed upon him or not, he was equally bound to keep the matter secret, because an affair of that kind cannot be mentioned in the world, without each side misrepresenting it some how; that misrepresentation, I was cautious of, and therefore I, all along, recommended, as I think it was my duty to do, secrecy on all hands.

Q. By whom was that mentioned to Mr. Cooke?

A. I believe by myself; I am certain it was not mentioned to Mr. Cooke while my Lord Sandwich was present. Lord Sandwich retired into another room from that which the conversation was carried on in; after that Mr. Murphy and myself talked some little time, and a very short time, with Mr. Cooke; I do not recollect that it was mentioned there that he was to keep it secret; but as I have seen Mr. Cooke frequently since, and as I was anxious that the matter should be a secret, I think it exceedingly probable, though my memory does not furnish me with any precise recollection, that I did enjoin secrecy, but I am sure, in Lord Sandwich's room, in his Lordship's presence, no secrecy was enjoined to him.

Q. Whether it was or not mentioned to Mr. Cooke, do you know whether he ever did divulge it?

A. Perhaps I may say a thing singular; but if I had known that Mr. Cooke had mentioned it, I should say that that was matter of opinion; but as I have not the slightest idea that Mr. Cooke ever mentioned it to any one person, I can only answer, that to the best of my knowledge and information, he did not; he may have done it, but I never asked him about it.

Q. Have you any knowledge or particular reason to believe that Captain Baillie was the first person that ever did mention it?

A. I have a suspicion that he did mention it, but it is exceedingly slight.

Q. Not enough to speak to as a matter of knowledge?

A. I am so far certain in my own mind, that I believe it, but I have not that information which I

could produce to this house, or any company, that he had done it.

Q. Can you recollect how many people were in this secret?

A. I can only answer to one person.—That no one person ever heard it from me.

Q. How many were acquainted with the secret?

A. Lord Sandwich, Mr. Murphy, Mr. Baillie, Mr. Baillie's brother, and myself.

Q. And Mr. Cooke?

A. Yes, and Mr. Cooke.

Mr. Butler withdrew.

The Reverend Mr. COOKE called in.

Q. Whether you at any time used any expression of intimidation to Mr. Lefevre, such as saying, that those persons would be marked by Lord Sandwich, who shewed themselves attached to Captain Baillie?

A. I never did circulate any reports, upon my Lord Sandwich's authority, about Greenwich Hospital, nor did I circulate such a report as is attributed to me, nor did I assume any authority from any body to do it.

Q. The question is, whether you did ever say such a thing to Mr. Lefevre?

A. I never did say any such thing to Mr. Lefevre.

Q. Then I ask you upon your oath, whether there ever did come out of Lord Sandwich's mouth to you, any authority, or any words that led that way, that Lord Sandwich would mark persons who sided with Captain Baillie?

A. Never.

Q. You had no such authority from Lord Sandwich?

A. Never.

Q. Did you ever make use of any such word?

A. I never did make use of any such expressions from Lord Sandwich, or any person whatever.

Q. Did you ever make use of any such words to any person whatever?

A. I never did to any person whatever.

Q. I beg Mr. Cooke to answer whether he had ever any conversation with Mr. Lefevre at all?

A. I have had conversations with Mr. Lefevre, and as it is a thing of very great consequence to me what he has advanced at the bar of this house, I have taken some pains to recollect, though I cannot possibly be accurate to every part of the conversation.—The first conversation was at the distance of near three years; the second conversation is more than a twelve-month; the latter is of a later date; I have therefore taken a great deal of pains to recollect the conversation that has passed between Mr. Lefevre and myself at various times; and particularly at those times which he has mentioned; I have committed those to paper; if your Lordships please to hear them, if not, I am ready to answer any question the Committee may be pleased to put to me.

Q. If any questions I ask you are such as you do not chuse to answer, be so kind as to say so, and I shall not press them.—Do you recollect the dates of those conversations which you have had with Mr. Lefevre the younger, concerning the affairs of Greenwich Hospital?

A. I have had some conversations with Mr. Lefevre relative to the affairs of Greenwich Hospital.

Q. Recollect at what time?

A. I think in the month of June, 1777.

Q. Do you recollect any other?

A. And I recollect having a conversation with him at the time he mentions, some time about April, when he says I went to his father's.

Q. In what year?

A. April, 1778, and, I think, June, 1777; I have had various conversations with him at various times.

Q. At what places were those conversations held.

A. The first conversation was, I think, on my journey into Suffolk; I am Vicar of a small living in

in Suffolk, we were upon the utmost intimacy at that time; I asked him to accompany me thither, he consented to it; accordingly we set out, and on our journey, among other things, we talked of Greenwich Hospital, and we talked of Mr. Baillie, and of Mr. Baillie's conduct; I had thought well of Mr. Baillie; I had reason to think otherwise of him at that time; I mentioned to him, that I thought his conduct in the Hospital was such as was very unaccountable, and I should not at all wonder if he was taken notice of for it; Mr. Lefebvre at that time joined with me; he was at that time more intimate with me than he was with Captain Baillie; I told him, I thought his conduct very improper in the Hospital; he thought so too; he acquiesced with me; and at that time, why I held out Captain Baillie's behaviour to Mr. Lefebvre, was, that I thought not only that he had behaved improperly with respect to his conduct at the Board of Directors, and at the Council, but I thought he had behaved improperly in not considering those who had appointed him there, and I held Capt. Baillie out to Mr. Lefebvre as an example of ingratitude, that he should avoid.—When we got to my living, we went upon a visit to my brother at Levenham, where it has been said, I received an extraordinary letter from the Steward at the Hospital.—I did receive a letter from the Steward, Mr. Godby, who wrote me a letter respecting the case of the butcher; it is said there was extraordinary expressions of exultation and triumph in favour of the butcher in that letter. I remember no such expressions as Mr. Lefebvre has made use of. I read this letter to my brother, who was then present, and Mr. Lefebvre; I believe no body else was present; it did not remain upon my mind; I tore the letter, or burnt it—I threw it away, I thought no more of it; it was a matter of no consideration at all to me. After this, in our journey home, we again talked of the affairs of Greenwich Hospital, much to the same purpose I have mentioned now, but after I got home between that time and the Dec. 1777, Mr. Lefebvre, as he always used to do, he used to consult me about his affairs, and about his promotion, and I must tell your Lordships I was even instrumental in his being made a Lieutenant; he consulted me upon that. I said Mr. Lefebvre, I think the only way you have to get promoted is to go to sea; you have never been at sea since you was made a Lieutenant. He renewed then to me an offer that he had made at my brother's, that if I would get him made Master and Commander, he would get me presented to a considerable living in the gift of a Mr. Calcroft; that was his conversation with me; I told him I was much obliged to him for his kindness to me, and indeed I did not wonder at hearing him talk of offering me a favour, which I did not think a favour of that magnitude; I told him my only advice to him was to go to the Admiralty, to go to Lord Sandwich, he had promoted him before, and if he offered his services, he would remember him.—He went to the Admiralty, he said he was well received; I found afterwards that he had been so, for the next thing I heard was he was employed, and sent on board the *America*, fitting out at Deptford; after this, in April 1778, Mr. Lefebvre says I went to his father's.

Q. My questions are not relative to Mr. Lefebvre's preferment, but relative to the affairs of Greenwich Hospital.—What passed at the first conversation relative to the affairs of Greenwich Hospital and Capt. Baillie?

A. In April 1778, Mr. Lefebvre has said at this bar, that I went to his house, where I threatened him and his father; the fact is, I did not go to his house, he first came to my house with his father, I was not at home, he left a message desiring I would call upon him as soon as I returned; I went home very soon after, and being told the message, I did call upon him immediately.

Q. At what time was this?

A. In April, 1778, I think.

Q. I first desire to know the conversation in 1777?

A. Respecting that, I mentioned that we had a conversation relative to the affairs of Greenwich Hospital; I told Mr. Lefebvre I thought Capt. Baillie acted improperly in the affairs of the Hospital, and I really thought his behaviour would be taken notice of.—That was all that passed between us at that time.

Q. What did you mean by saying you thought it would be taken notice of?

A. I really thought the Board of Directors would complain of him; that was my opinion, and it was not only my opinion, but I mentioned it to the Governor.

Q. What was your idea that they were to complain of?

A. That he was thwarting every thing that could be done, he thought nobody's opinion a good opinion but his own.

Q. Did you imagine that a matter for the Directors to complain of?

A. There were a great number of propositions to the Board that the majority thought proper of, and I thought if he opposed them, he was not a friend to the Hospital.

Q. Was not it possible that Captain Baillie might have an opinion of his own?

A. Certainly.

Q. And was that, in your opinion, a crime to be taken notice of in the Board of Directors?

A. I don't say a crime; it was a kind of persevering behaviour, that became uncomfortable and disagreeable to every person that sat there?

Q. Did you think that the Directors would complain of Captain Baillie, for making them uncomfortable and disagreeable, for pursuing his own opinion?

A. Not for pursuing his own opinion; but that he wanted to counteract the proceedings of the Board, that were for the good of the Hospital, as it was my opinion, and several others at the time.

Q. Did the Court of Directors ever take up the conduct of Captain Baillie, in which it was evident that the opinion he supported, was, in his own opinion, contrary to the good of the Hospital?

A. I do not know what Captain Baillie might think in his own opinion; my opinion was, I thought so.

Q. Was there ever any offence in Captain Baillie that the Court of Directors could take notice of, except differing in opinion from you and the rest of the gentlemen there?

A. I think there were there a great number of things occurred.

Q. Among the great number of things try to recollect one.

A. I do not particularly recollect any.

Q. So then, you think, the Directors intended to take notice of Captain Baillie's conduct; but you have totally forgot what they intended to take notice of?

A. The impropriety of his behaviour, and leading us a very disagreeable life with him at the Board, I thought very sufficient.

Q. Can you mention any instance of Captain Baillie, at that time, having done any thing that was contrary to his duty as Lieutenant-Governor?

A. I have thought so; I cannot particularly recollect, at this time, any particular circumstances; I don't think that his behaviour was that that tended to the good of the Hospital; that was my opinion.

Q. But can you mention any instances of that behaviour, such as deserved to be taken notice of by the Court of Directors?

A. There were complaints came before the Board of Directors, relative to Captain Baillie's improper behaviour, which I approved of.

Q. At that time?

A. I don't say at that particular time.

Q. But

Q. But I am asking you to the month of January, 1777.

A. I don't pretend to say at that time.

Q. Had Captain Baillie taken any steps to create disturbances in the Hospital?

A. I cannot directly answer that question; he had disturbed me very much, and disturbed a great number of others.

Q. In what way? Had he ever been drunk in the Hospital?

A. Not that I know of. I should think not.

Q. Was he ever riotous there?

A. Not that I know of.

Q. Did he ever beat any pensioner?

A. Not that I ever knew or heard of.

Q. Did he ever beat any of the Officers?

A. Not that I ever heard of.

Q. In what way did he disturb you?

A. He was a very unpleasant, a very disagreeable, and obnoxious man to me.

Q. But I want to know one instance in which he has ever acted contrary to the good of the Hospital, or attempted to make a disturbance?

A. I never made Minutes of what passed at the Board; I am only mentioning that he is a very disagreeable person to act with.

Q. Did you understand any other notice would be taken of him? You say you told Mr. Lefevre his conduct would be taken notice of?

A. I said I should not wonder, if his behaviour continued in that way, if it should be taken notice of; or that it might be taken notice of.

Q. And did you mention nothing of his being taken notice of by Lord Sandwich?

A. Not a word. How was it possible, I could mention a thing of that kind? The book was not published till March, 1778, following; and this was a charge in his book.

Q. That is the very reason why I supposed the conversation must pass before the book was published.

A. There was no other conversation than I mentioned; I said, I thought his behaviour very improper; that it was impossible to act with him at the Board, or any where else, almost; and I should not wonder if it should be taken notice of.

Q. You will now go to the other conversation, when you saw Mr. Lefevre with his father.

A. Mr. Lefevre mentions that I went to his father's; I did not go to his father's without being asked to go; I then went to Mr. Lefevre's house; I asked Mr. Lefevre what he had to say to me; he began with saying he was very sorry that Mr. Baillie had put forth his book; I answered, I was sorry for it too; he said he was under some fears or apprehensions that it would be thought he had taken a part with Captain Baillie.

Q. Who was this; the father? *

A. Yes. My answer was, as near as I can recollect, I wonder you should think so. Yes, he said, he was afraid it might reach Lord Sandwich. I said, I wonder you should think any thing of that kind; Lord Sandwich is not of a turn of mind to listen to idle reports of that sort. He said, if any thing should be said of that kind, I wish you would express that I have no concern in it: but I am very sorry for Captain Baillie; he has been an old mess-mate of mine. I mentioned also, at the same conversation, that there was the book I was accused in, and others; but I said, what I wonder at is, that he should have been so ungrateful to Lord Sandwich, as to have brought him so much in question in that book. Mr. Lefevre said he also was very much concerned. I said, I don't wonder at your concern for Captain Baillie, for you have been an old and long acquaintance of his. I don't remember, at that meeting, any warmth of conversation that passed, of any kind; I remember no quarrel; there was nobody present

but Mr. Lefevre, the father, the son, and myself; we parted in good-humour; and I am sure, when I went from that house, I was as much inclined to do any act of service for young Mr. Lefevre as I ever was during the four or five years I was acquainted with him before.

Q. Was that all that passed at that time?

A. It was; there was no warmth of conversation, that I recollect, of any kind; we parted in good humour, and as a demonstration of that, Mr. Lefevre and I were acquaintance afterwards; he and his family dined with me before he went upon the service he was ordered on in the America.

Q. Did you ever express to Mr. Lefevre your astonishment, that he should continue to keep company with Captain Baillie?

A. No, I never did say that I wondered he should go to his house, or any thing of the kind; so far from it; that I have often told Mr. Lefevre, that I did not wonder at his anxiety for Captain Baillie, because they had been old mess-mates; as to young Mr. Lefevre, he had nothing to do in the Hospital; he did not belong to it, and that impression I am sure I have, I never went to his house, or ever mentioned any expressions of intimidation at any time; I was always expressive of regard to Mr. Lefevre, and I never was so much astonished in my life, as when he came here to give evidence against me; for if ever any one private gentleman was obliged to another in his life, I will venture to say he is obliged to me.

Q. Was you present at the Admiralty, at the conversation between the first Lord of the Admiralty, Mr. Murphy, and Mr. Butler, with regard to the accommodation of the dispute with Captain Baillie?

A. I was there, but it was very accidentally; I was at the first meeting with my Lord Sandwich, Mr. Murphy and Mr. Butler, respecting the negotiation, but very accidentally so; I happened to be at Lord Sandwich's, and Mr. Butler, I think it was, asked me, whether I would not go up and hear what passed.

Q. What injunctions were laid upon you at that time, with regard to secrecy?

A. I do not remember any injunction whatever laid upon me for secrecy; but I looked upon it a business of that nature, that I thought it would be wrong for me to divulge any thing I heard said in that room.

Q. How long after the first hearing of that injunction did you think it incumbent upon you to keep the secret?

A. I do not remember that I ever opened my lips about it, till I heard from Captain Baillie's publication, that he had mentioned it in the introduction to his affidavits; the first thing that I saw of it, was in an extract from the Morning Intelligencer, or Daily Advertiser.

Q. When was that?

A. I believe that publication was, when your Lordships had begun upon business.

Q. Was that the first you ever heard of that negotiation having been divulged?

A. It was; I don't know that I could from any conversation I had any where, drop a hint of any such undertaking, but I was no party concerned in it, nor did I look upon myself as such.

Q. I did not ask you whether you had yourself divulged it, but whether you had ever heard it the subject of conversation, before you saw that book; was it ever mentioned to you by any body else, so as to convince you that it had been divulged?

A. I don't recollect that I had ever heard it any where.

Q. Then for any thing you know, it was a profound secret, till by Captain Baillie's means it appeared in print?

A. I remember Captain Baillie has said at this bar, that it was circulated about the Hospital, or

* The death of Mr. Lefevre, of respectable memory, has been an irreparable loss to Captain Baillie.

something of that kind, but it never came from my lips; though not enjoined to secrecy, I kept myself very guarded about it.

Q. It never came to your knowledge that it had been circulated?

A. No.

Q. Did you ever know that it had got out any way to any person that was not present at the negotiation?

A. No.

Q. Did any person not present at that negotiation, ever mention it in your hearing?

A. No.

Q. I think you have said, you thought Captain Baillie very troublesome, I beg you to name any instances wherein you think Captain Baillie was very troublesome, or that he acted against the true interest of Greenwich Hospital, in regard to the pensioners?

A. I don't think he has been a friend to the pensioners altogether.

Q. Was it not being a friend to the pensioners, the detecting the butcher that served them with bull beef, and getting the butcher's man transported?

A. I don't think that Captain Baillie should have the credit of that altogether; I look upon that as an act of the Board of Directors.

Q. Who carried on that prosecution against him?

A. The Board of Directors.

Q. Solely?

A. As I understand solely, to the Board of Directors.

Q. I should be sorry to remind a clergyman that he is upon his oath; you think that was owing to the Board, and not to Captain Baillie?

A. The Governor brought it to the Board, and the Board took it up.

Q. Who constituted, and how qualified are that Board of Directors, to sit as a Board?

A. The Secretary can much better answer that than I can; I have authority from the Board of Admiralty to sit there, and that is all that I know, and I believe I am legally appointed.

Q. Has not Captain Baillie merit in detecting the butcher's serving bull beef to the Hospital?

A. I think Captain Baillie had merit in that, but I don't think he should take the merit of that altogether; there were other Officers in the House that would have done that.

Q. And Captain Baillie did not carry on that prosecution?

A. He did not.

Q. How long have you been a Chaplain in the Hospital?

A. I have been appointed I think six years next November, and have been resident almost the whole time.

Q. Who did you succeed?

A. The Reverend Mr. Tindal.

Q. Was it upon his death that you succeeded him?

A. No; upon his resignation.

Q. Whether you paid any thing for your admission to that place; Mr. Cooke will answer that or not, just as he pleases?

A. I beg I may answer that question; I certainly did not pay a single farthing, but did the duty there for a year and three quarters, without a single shilling.

Q. Was any compensation of any sort made to Mr. Tindal, in resigning his Chaplainship?

A. No compensation whatever; not a single sixpence.

Q. Was any compensation made to Mr. Tindal's widow?

A. Not a single sixpence.

Q. Did you pay any thing for being appointed a Director?

A. I did; I do not come here to reserve any thing at all; Mr. Tindal had promised to resign the Directorship to me, without any sort of terms at all. He held from it very much, and afterwards he

mentioned to me, that he could not really give up the Directorship without some trifling consideration; I was much hurt at this, particularly as coming from him; I had no idea of it myself at all, he had promised me again and again, that he would resign the Directorship, and I did give him a small douceur for that.

Q. What was that douceur?

A. Fifty pounds.

Q. Had Mr. Tindal done the duty of the Hospital for some time, previous to his resignation?

A. No.

Q. Who did the duty for him?

A. The Reverend Mr. Brumhead did the duty for him; it had been done by deputy, I understand, for some years.

Q. Do you know on what part the negotiation arose for your succeeding Mr. Tindal, and for Mr. Tindal's resignation?

A. It proceeded from a friend of mine in Huntingdonshire; I understood there were two old lives in Greenwich Hospital; I desired a friend to write up to know whether they had any intention of resigning; the answer was, they had; that Mr. Tindal was very old, that he had offered terms to a great many, but they had not agreed.

Q. Did this friend negotiate this matter with Mr. Tindal by letter, or by word of mouth?

A. There was a letter or two passed between them, and then I came up and negotiated with Mr. Tindal himself, and the terms were as I said before; there was nothing passed between us of any kind, but he was to have the income for his life; he lived about a year and three quarters, and I did the whole duty for nothing; he lived from November, 1772, I believe, till June, 1774.

Q. Who received the pay of Chaplain of the Hospital during that time?

A. I believe I received it; but I accounted to him for it; I do not exactly recollect whether I received it or not, but I think I did; however, I conceive it very immaterial whether I did or not.

Q. Was there any agreement made between you and Mr. Tindal, that, upon his resignation, you was to give him the pay for life?

A. Upon his resignation I had agreed to give him all the profits of the Chaplainship.

Q. For the remainder of his life?

A. Yes; during his natural life.

Q. And which you did pay him.

A. Yes.

Q. I think you said, you succeeded Mr. Brumhead?

A. He officiated when I came into the Hospital.

Q. Was Mr. Brumhead a Curate to Mr. Tindal?

A. He was.

Q. Had the other Chaplain another Curate?

A. No.

Q. Then Mr. Brumhead did the duty for both the Chaplains?

A. Yes; and did the whole duty of the Hospital for 40l. a year, I believe, and a chaldron of coals, I think.

Q. Whether you have ever read, or understood, the original Charter of Greenwich Hospital.

A. The original Commission.

Q. No; the Charter, as granted by King George the First, upon the forfeiture of the Derwentwater estate?

A. There was no Charter, only a Commission.

Q. Whether you have ever read the original Commission, upon the forfeiture of the Derwentwater estate to Greenwich Hospital?

A. I have seen the original Commission, but I never saw a word of the Derwentwater estate in it.

Q. What does the original Commission say?

A. I cannot recollect at present.

Q. What are the directions as to the qualification of the Chaplains of Greenwich Hospital?

A. I

A. I don't recollect that there is any thing in it relative to the Chaplains.

Q. So a man who has never been at sea is equally qualified for it?

A. I have seen the original Act of Parliament, which is founded upon the Charter, which says, a Chaplain of necessity need not be a seafaring man; I do not remember any thing in the original Charter or Commission, that mentions any thing about the Chaplains of Greenwich Hospital.

Q. Then do you come under that description, of a Chaplain of necessity?

A. I don't know; it was necessary somebody should do the duty of Greenwich Hospital.

Q. Have you ever been at sea?

A. I never was at sea in my life.

Q. Then do you or not apprehend, that you come under that description, of a Chaplain of necessity?

A. All that I know is, that I was appointed a Chaplain to Greenwich Hospital by the Board of Admiralty.

Q. You mentioned you had given 50l. for the resignation of the place of Director; what may the place of a Director be worth?

A. That is according to the attendances; a person is paid for every actual attendance.

Q. What is paid for an attendance?

A. Ten shillings, I believe.

Q. How many attendances may there be in a year?

A. About once in ten days; it is optional whether they choose to attend or not?

Q. Whether there is any other emolument whatever, arising to a Director, besides the ten shillings for each attendance?

A. None that I know of.

Q. What is deemed an attendance? And what is the nature of the business? How many hours does it require you to be from home?

A. There are two, alternately, one at Greenwich Hospital, the other at Salter's Hall, in London; the time we stay there depends much upon the business; sometimes an hour and an half; two, three, nay, sometimes, upon extraordinary business, four hours; but generally two, or two and an half.

Q. Then let a person live where he will, he must have the whole distance to go to the other meeting?

A. He is not obliged to go at all.

Q. But to make it to advantage?

A. Yes.

Q. Then if he attends every time, he may make a shilling a day of it; ten shillings every ten days?

A. Money is not the object, I believe, with any of the gentlemen; I am sure it was not with me; but for the public good of Greenwich Hospital, that the attendances are so good as they are.

Q. More public spirit?

A. I believe so.

Q. I think you said, that the transaction with Mr. Tindal, was settled at last with him by yourself; was there any writing passed upon that occasion?

A. There was.

Q. Who drew up that writing?

A. An Agent of mine, an Attorney.

Q. What is his name?

A. Mr. Atley.

Q. Were there any witnesses to the execution of it?

A. I believe there were; it was regularly executed.

Q. Who were they?

A. I do not at this distance of time recollect.

Q. What was done, in consequence, in order to get Mr. Tindal's resignation accepted?

A. I believe Mr. Tindal wrote to the Board of Admiralty, to resign, and his resignation was accepted, and I was appointed; I know no other form; the form that was usual.

Q. Did you make application to Lord Sandwich to be appointed in his room?

A. I made application to Lord Sandwich to be appointed in his room.

Q. Was Lord Sandwich made acquainted with that transaction, between you and Mr. Tindal?

A. His Lordship, I am sure, knew nothing of the transaction before it was finished and done with.

Q. Did not Lord Sandwich ask you, whether you had agreed or settled any thing with Mr. Tindal?

A. I do not recollect he did; I recollect his Lordship had nothing to do with the transaction between Mr. Tindal and me, about that business, nor did he know the particulars of it; I was appointed in Mr. Tindal's room, when he wrote for leave of resignation.

Q. Did not Lord Sandwich ask you, what were Mr. Tindal's motives for asking to resign?

A. I really think he did not; but you are asking me to a thing that happened seven years ago.

Q. But can you take upon you to say, that Lord Sandwich did not ask you, what reason Mr. Tindal had for resigning?

A. No; I do not recollect that he asked me any such question.

Q. Do you take upon you to say, that Lord Sandwich was not acquainted with there being some compensation made to Mr. Tindal?

A. There was no compensation made to Mr. Tindal.

Q. I mean the agreement to pay him his salary during life?

A. Lord Sandwich, I believe, knew that Mr. Tindal and I were negotiating, but did not know the particulars of our agreement.

Q. How did Lord Sandwich know that?

A. I applied to Lord Sandwich to know, if he would appoint me, in case Mr. Tindal and I agreed; I remember, now it comes to my recollection, that Lord Sandwich told me, that there were two old Chaplains; his Lordship was so kind to say, he intended to do something for me, he told me, but he did not know exactly the place or time; that he intended giving me one of those, if they dropt, knowing they were old lives; that put me in mind of endeavouring to get at it by resignation.

Q. To endeavour to get it by resignation?

A. Not get at it by resignation; but if I treated with Mr. Tindal and he resigned, that I should be appointed.

Q. What did you imagine Lord Sandwich understood, by your treating with Mr. Tindal?

A. I did not know what he understood by it.

Q. Do you think Lord Sandwich understood, that you was treating with Mr. Tindal, to give him some compensation?

A. The negotiation between us was not under the sanction of Lord Sandwich at all.

Q. I am asking you, whether it was with his privacy or knowledge?

A. I believe I might have mentioned it to him at the time.

Q. Was Lord Sandwich made acquainted with your giving 50l. to Mr. Tindal, to resign being a Director?

A. He never heard of it, nor ever knew of it; I do believe the first information his Lordship has had of it, has been from me this very moment; I am sure his Lordship never heard of it from me.

Q. I should be glad to know, whether your coadjutor, the other Chaplain in the Hospital, hath ever been at sea; whether he comes under the description of the original Charter of that Hospital? Is Mr. Maule here?

A. He is.

Q. Whether you know of any other of the Directors who have given compensation for their places at that Board?

A. I know of none; I did not look upon that as a compensation.

P p

Q. Whether

Q. Whether a douceur or a present is usual, when a Director resigns?

A. No; I believe it was never done before.

Q. I wish to understand you correctly; I understand you are in the Hospital in two capacities, as a Chaplain and as a Director; 50l. was given as a douceur; that was not for the Chaplainship, that I suppose would have been simony, it was for the Directorship; but there was also an agreement, was there or not, to do the duty, for a certain period of time, without any salary?

A. I told the House before, I took it upon those conditions; Mr. Tindal was to have the profits of the Chaplainship during his life, and I was appointed Chaplain, and I did the duty.

Q. Without any part of the salary?

A. Without any part of the salary whatever of any kind.

Q. Does the profits of the Chaplain of Greenwich Hospital consist of any thing more than the salary? Are there any emoluments belonging to the office not comprehended in the salary?

A. There are no emoluments belonging to the Chaplainship, or any other office in Greenwich Hospital, of any kind, but the salary.

Q. Then, am I to understand you had no profit whatever during the time Mr. Tindal lived?

A. Not a sixpence*.

Q. And you gave 50l. to Mr. Tindal for the resignation of the Directorship?

A. That was a year, or a year and a quarter after.

Q. Whence does the pay of the Chaplain arise?

A. There is a salary of 100l. a year; he has table money, which every other Officer has; which, I believe, is twenty pound odd. There are stores, the same quantities as a Lieutenant has: that was the salary of the Chaplainship, with apartments, at the time Mr. Tindal resigned to me.

Q. Has not the Chaplain some pay from the Ordinary of Greenwich and of Woolwich?

A. No; that is paid into the Hospital.

Q. Has there been any augmentation made to the salary since you have had it?

A. There has been an augmentation which the Minutes of the General Court will shew, and shew the reason of it; that was, I think, in March, 1775.

Q. What was that reason?

A. If the House will be so kind, as to call for the Minutes of the General Court, Mr. Ibbetson is here, and will fully explain that.

Q. But what do you understand to be the meaning of it?

A. The additional 30l. a year, is for reading prayers at the Infirmary, which the Chaplains had never done before; and we had done the duty at the Infirmary a year, before this addition to the salary was made. Another reason was, that all the salaries had been raised in the Hospital, since the great augmentation of the pensioners, the burials must of course encrease; the Captains and Lieutenants of the Hospital were raised before our addition of salary.

Q. What was the salary you paid Mr. Tindal?

A. What I mentioned at first, the 100l. a year, and the table-money.

Q. How much in the whole?

A. About 135l. a year, the salary; the table-money and the stores are allowed, amount to about 135l. a year, at the outside, I believe; but I am sure 140l. is the extent.

Q. That was what was before the augmentation?

A. Yes.

Q. Are there any profits of any other kind?

A. None that I know of.

Q. Has not the Lieutenant-Governor's salary been raised likewise?

A. The Lieutenant-Governor's salary was raised 100l. a year more, in Captain Baillie's predecessor's time.

Q. Whether you ever knew of any instance, of the first Chaplain of Greenwich Hospital not being a person qualified under the Charter of the Hospital as a seaman?

A. Yes; Mr. Stubbs, the first Chaplain, never was at sea in his life, and he was Chaplain of Greenwich Hospital 35 years; he never was at sea in his life, or was what they call a Naval Chaplain.

Q. Did you ever know of a Steward who was a landman, before the present Steward?

A. I have understood, that the first Steward that was appointed to Greenwich Hospital, had never been at sea; I have understood, that Mr. Bell had not been at sea, when he was appointed to Greenwich Hospital, but that he afterwards went to sea. It is not clear that he had been at sea, when he was appointed Steward to Greenwich Hospital.

Q. Did you ever hear how long a time he was Secretary to Admiral Sir John Norris?

A. No; he made application to the Board, I believe, for permission to go with Admiral Norris.

Q. Can you prove he was not a regular qualified person, before he was chosen Steward to Greenwich Hospital?

A. I should think, from the service he had done to the Hospital, that he was a very proper man for the office. I have never heard any thing of Mr. Bell but by hearsay; I did not know him.

Q. You have heard he has been of infinite benefit to the Hospital?

A. He has been of infinite benefit to the Hospital?

Q. Did you say he had not been at sea before he was appointed?

A. I have understood he had not.

Q. Did you ever hear in the Hospital the year that Mr. Bell was appointed Steward to Greenwich Hospital?

A. I have heard, but I cannot now recollect.

Q. Is it as long back as 1736?

A. In 1735, or 1736, I think I have heard he was appointed.

[Reverend Mr. Cooke withdrew.]

Captain CHADS called in, one of Lord Sandwich's witnesses.

Q. Whether you are one of the Council?

A. I am.

Q. How long have you been so?

A. I have belonged to the Hospital above three years.

Q. By whom was you appointed?

A. By the present Board of Admiralty.

Q. How many Military Officers are there?

A. Fourteen.

Q. How many Civil?

A. Six; but three of them never attend the Council; the Auditor never appeared at Council yet; the Secretary, his business leads him another way; and the Physician always has business in the Infirmary; that I believe is the occasion he cannot attend the Council†.

Q. Do they never attend?

A. I have seen the Secretary and Physician there about three times each; the Auditor I never saw there.

Q. Do the Military attend their duty?

A. I think they do.

Q. Are there generally more Military than Civil Officers attending the Council?

A. Sometimes

* The reverend man enjoyed a good apartment for himself and family, Physician, Surgeon, and Apothecary, gratis, beer without excise, and asses milk for his children; and all which he does not estimate at sixpence, upon his oath.

† If Captain Chads knows any thing about the Infirmary, he must know that the Physician seldom or never visits his patients oftener than once in eight days, and that not of a Council day.

A. Sometimes treble, generally double the number.
Q. Do you observe that the Civil Officers generally side together?

A. No, I never saw it.

Q. Do you observe that they form any thing like a faction?

A. Quite the reverse; I have seen the Military have done it, but never the Civil.

Q. Do you know of any attempts there to secure a majority?

A. Never, no attempts to secure a majority; only when Captain Baillie's book first came forth into the Hospital, parties appeared there like mushrooms, who never appeared there before.

Q. But is there such a majority?

A. Not that I know.

Q. Do you know any complaints quashed improperly?

A. Not any.

Q. Do you know of any redress being refused?

A. None at all.

Q. Do you know of any undue influence or management of Council?

A. No, far from it.

Q. Or any cajoling by the Civil people?

A. No; any man that would speak with me to that purpose, I should despise him.

Q. You have talked with the pensioners there often?

A. I have, a vast number of old seamen that have sailed with me in the course of twenty years, that often have talked with me.

Q. Have you ever been absent from the Hospital?

A. Never more than six weeks.

Q. If there had been any grievance in the Hospital, must not you have known it?

A. Yes; and I never heard a word of it, till Captain Baillie's book came forth.

Q. Has the government of the Hospital been well regulated in your judgment?

A. It has.

Q. Are the pensioners satisfied with the government of the Hospital?

A. I have seen many of my old shipmates; I have said, my lads, how do you like being here? Sir, I am extremely happy here; I want for nothing; I have every thing I can wish for; and if I am not happy, it is my own fault.

Q. Has Captain Baillie's conduct at the Council been proper and temperate?

A. I think not.

Q. Has his conduct in the Hospital been in such your opinion, as tended to make the pensioners happy?

A. I think otherwise since the publication of that book; I thought every pensioner seemed to be inflamed, which I never thought before; and it made a division among the Officers immediately.

Q. Then you do not think it has tended to produce peace?

A. No, I think it has tended to produce the contrary.

Q. Have the members of the Council been sufficiently active in their duty?

A. I think so.

Q. Has the manner in which Captain Baillie proceeded, been of a nature to conciliate or inflame the minds of the parties concerned?

A. In Council, when we have met, and debated upon matters, if we did not coincide in opinion with Captain Baillie, he was warm; and I always, from circumstances which appeared before me, gave my judgment and opinion to the best of my understanding; I never minded any body.

Q. Do you know of any impropriety in the conduct of the Rev. Mr. Cooke?

A. None at all; I look upon him to be a gentleman; he is a good husband and an indulgent father; we visit one another; I never saw any thing unbecoming the character of a gentleman.

Q. Did you ever see Mr. Cooke behave improper to the Lieutenant-Governor at the Council?

A. Never in my life?

Q. Do you know that Mr. Cooke has ever attempted to use any improper influence over the Council and members?

A. Not in the least. Any man that would offer to influence, I should despise him; I would never speak to him; I have sat at courts-martial upon life and death; I should be sorry to be thought an influenced man; Captain Baillie has been very severe against me; he calls us a mock Council, and all legal government is at an end; as an officer and a gentleman I could not brook it; I memorialled the Lords of the Admiralty for redress; and disavowed the charge; Captain Allwright, Lieutenant Lefevre, and one or two more, they did not sign the memorial; therefore it appeared to me they avowed the charge; therefore I looked upon them gentlemen to be a party; for in a conversation one day with Capt. Allwright, I asked him, if he had ever seen the book; I told him, Captain Baillie had thrown a great stigma, and it was a thing I could never brook; he said upon his honour he never saw it; I asked him, if he had seen it in manuscript; he said he had heard it read; that convinced me he was consulted in the book.

Q. Upon the oath you have taken, as a member of Greenwich Hospital, do you think that Captain Baillie's removal would contribute to the good government of the Hospital, and peace and welfare of the pensioners?

A. I am thoroughly convinced Greenwich Hospital will never be in harmony till he is removed; it is now in hot water, and will be so as long as he remains, if he is not removed; for he is now in his apartments; and he is always tampering with the pensioners, and has influenced their minds, which will never be eradicated for a number of years.

Cross Examination.

Q. Why did you sign the Memorial against the Lieutenant-Governor?

A. Because he accused me falsely, by calling me a man that had secured a majority; an illegal Council. I look upon the Council to be the internal government of that Hospital; and therefore I, as a member of the same, would do the same, if the like case was to happen.

Q. Whether there is any club of Officers held in Greenwich Hospital?

A. Certainly there is.

Q. Where is that held?

A. In the Council room.

Q. Was it held there the night preceding the fire?

A. I kept my bed; I was in the gout at that time; I cannot say to that particular time; but it is a very indifferent club for Officers; it is only a sixpenny club.

Q. Did Lieutenant Kerr complain to you, as Captain of the Week, that there was a scene of drunkenness and riot in the Taylor's shop, a week before the fire?

A. I do not recollect, if he did; I was not capable; I was in bed, in the gout; and the day the fire happened was the first day I got out; I got a great pair of cloth shoes on; I had been ill of the gout two or three months; I do not recollect that; he possibly might; he used to come in and tell me news, and have any little chit-chat; as I kept my apartments, likely he might.

Q. Do you recollect whether he did, or not, send you a Boatswain to inform you of it?

A. I do not recollect it; I ask pardon, I do now recollect he did send a Boatswain to let me know there was some riot; I sent for the Boatswain of the guard; I ordered him to go up there, and see the people were dispersed; the doors were shut; that was all I knew; I ordered him to carry directly any that were there and put them into the east-gate, which is the prison.

* The Council is held once a week at least; and Captain Chads, during the last whole year, has been but thirteen times at the Council. See page xliii. King's Bench.

Q. Then

Q. Then, by your account, you did not go yourself?

A. I observed I was ill of the gout; I could hardly walk.

Q. Did you send Lieutenant Kerr to quell that disturbance?

A. I believe not; because he sent the Boatswain to me; but I perfectly recollect I sent for the Boatswain of the guard, and told him what Lieutenant Kerr had said to me; he returned, and said the door was shut, and every thing was peaceable and quiet.

Q. Under whose care was that Ward where the disturbance happened?

A. I look upon it, it was close to the Taylor's apartment; I look upon it to be in Lieutenant Kerr's department.

Q. The Taylor's shop?

A. Those apartments are shut up every night, and under the care of the Master Taylor himself, because he had the cloaths, and all those things there; I believe nobody paid any attention at all to the Taylor's shop (that is, to take care of it) but the Master Taylor himself, whom I understand used to lock it up, as he had a great charge of things there. But the riot, I understand, was in the shop; the Boatswain said they were all dispersed; had there been any body there they would have been brought before me.

Q. Is the Taylor's shop under the management of the Officers of the Hospital, or not?

A. I never heard that talked about; nor did I ever hear any complaint about the Taylor's shop, till Lieutenant Kerr came and told me they were drunk in the Taylor's shop. The Taylor used to take care of that particularly, because he had a charge there.

Q. Are they under the Steward's care?

A. I do not know that.

Q. Are they under the care of the military?

A. I believe the whole Hospital is under the care of the military, in general; but, I believe, nobody ever visited that place of a night: the patrol visit every part of the Hospital; but could not visit that, because that was locked up every night.

Q. Do you take upon you to say, of your own knowledge, whether that was locked up every night?

A. No, I will not say that.

Q. Did you never hear that any body worked there by candle-light?

A. I never did.

Q. As a military man, did you ever visit it?

A. I never did.

Q. In the whole course of the time that you have been in the Hospital, and when you have been Officer of the Week, you never visited it?

A. Yes, when it is my tour of duty, I go into the Hospital to the Dining room.

Q. But never visited the Taylor's shop?

A. No.

Q. Did you ever send any body to visit it?

A. I never did; nor ever visited it myself.

Q. Are there any sinecures in Greenwich Hospital?

A. Not that I know.

Q. Does the Barber do his duty?

A. The Barber! The man that contracts?

Q. No. The Barber of the Hospital.

A. I know his name is Mackenefs, by Captain Baillie's book; but till that book came out, I did not know who was the Barber.

Q. Did you never hear of it otherwise?

A. Yes; I have heard people say Mackenefs was the Barber; and that he had been a servant of Lord Anson's.

Q. But does he do his duty?

A. That is done by the deputy, I believe.

Q. Is not that a sinecure, then, as you think?

A. I think so.

Q. Does the Porter attend the Council?

A. I cannot say I ever saw him; we have every Boatswain attends; I cannot say I attend every Council; I never saw him when I attended.

Q. Does the Clerk of the Council attend his duty?

A. I never saw him; the Steward's first Clerk does that duty; and, as I understand, the Clerk of the Council never did any duty there; it was always a Clerk from the Steward, or a Clerk of the Cheque, that did the business there at the Council.

Q. Am I to understand you never saw the Clerk of the Council attend his duty there?

A. I never saw him in my life; therefore I never saw him there.

Q. Does Skeene, the Butler's Mate, attend his duty?

A. I know he is an Assistant with the Clerk of the Works; but I never was so minute as to enquire about the Butler's business; I saw every thing go on very regular, and never had any complaints come to me.

Q. But did you ever see him do his duty?

A. If you will please to acquaint me what his duty is.

Q. Butler's Mate.

A. I do not know what that is.

Q. And you are an Officer in Greenwich Hospital?

A. Yes.

Q. Do you know there is such an Office?

A. I have heard them called Butler's Mate.

Q. But do not know what that business is?

A. No.

Q. Do not you know what the Sculleryman's Mate is?

A. I suppose to wash the dishes.

Q. Is there one Russell, a Sculleryman's Mate?

A. I believe there is; but I never attended there; I have a Deputy that attends to that business; if a Lieutenant is not capable of that, he is capable of nothing—As a Captain of a man of war, we trust our Lieutenants.

Q. Do you know one Dickey, the Turncock?

A. Yes; I always see that man turning the water in and out, always doing his duty; a very civil obliging fellow; I have seen him in all parts of the Hospital with a great iron thing under his arm.

Q. Is a disabled seaman capable of performing the Office of Cook in Greenwich Hospital?

A. No; not at all.

Q. When you have been at sea on board a man of war, did you ever know any Cooks that were disabled seamen?

A. Yes; I have seen them without legs or arms; but they had people to do their duty for them; I had one at sea with me that had never a hand, but he had always Cook's Mate and Cook's Shifter, as we call them: I look upon it a Cook of Greenwich Hospital should be a good active man.

Q. Do you imagine a seaman is capable of being a Cook at Greenwich Hospital?

A. Some may, and some may not: I do not think every seaman is a Cook.

Q. But whether no seaman is a Cook, is my question?

A. I believe there are many seamen Cooks, and many that might do that business.

Q. Who pays the Deputy Barber, do you imagine?

A. I cannot say; this is a matter that never comes before the Military Officers.

Q. Did you never hear who this Barber that shaved the people was paid by?

A. I suppose the Barber that has the business of the Hospital pays his Deputy Barbers.

Q. I think you told us you had the misfortune to be a good deal afflicted with the gout; you have the misfortune to be so much troubled with that disorder, as to be frequently prevented attending the Council?

A. Sometimes I have been prevented, and have been carried over in a chair.

Q. Was you able to attend that particular Council?

cil

oil when the great complaints were made with regard to the brewing?

A. I was at the Council then, and I believe that complaint came to me first as Captain of the Week; and I believe I sent them to the Lieutenant-Governor, and the Lieutenant-Governor sent them to me; but that was a piece of roguery of a man who drew the beer, which was detected afterwards, and he was expelled the Hospital. It was not the badness of the beer that came from the brew-house, but he had a way of adulterating the beer; it was proved he sold the ale and small beer, and therefore he was expelled and turned out of the Hospital.

Q. What was your own opinion upon that affair? What did you judge to be the truth of that affair?

A. I really could not tell how or which way the beer came bad; but Mr. Mylne, the Clerk of the Works, who is a very sensible clever fellow, he found it out, which I could not; I heard him say that the beer is adulterated at the sink where it was drawn, and it does not come from the brew-house; I could not have found it out, and he found it out, and we detected the man upon it.

Q. When did that appear?

A. Last summer was a twelve-month.

Q. Was it soon after the time the beer was complained of that it was found out?

A. I believe it was soon after that, that he was detected, and brought to the Council, and expelled the house, but I cannot exactly speak to time.

Q. Am I to understand that you lay the whole mismanagement of the beer to this man, that was detected in adulterating it at the sink?

A. I do not know; as he was detected in that, I suppose it was.

Q. You do suppose so?

A. I suppose so; but in hot weather brewings will be bad some times.

Q. Are there two sinks, or one?

A. Two sinks.

Q. Do you imagine that this man could be at both sinks at the same time?

A. I suppose not.

Q. How do you account for its being adulterated then?

A. The beer was adulterated, and stole by a man whose name was Luke Davis; he was brought to the Council, and it was made appear; so that it was the opinion of the Council that he should be expelled the Hospital; and he was accordingly expelled.

Q. I think you said you attributed the badness of the beer entirely to his adulterating of it; now, how could he adulterate it at both sinks?

A. That was a matter of opinion, that we thought so.

Q. Upon what ground was that opinion formed, that a man at one sink would adulterate beer at another?

A. We detected the man; that is all I know; all I know since that man has been expelled, we have never had a drop of bad beer; I never drank a drop of finer beer in my life.

Q. How far are those two sinks separate from each other?

A. I cannot say.

Q. Are they in the same room?

A. I really do not recollect whether I ever saw more than one sink.

Q. Are they not in different rooms?

A. I really cannot tell.

Q. Are there not two Dining Halls?

A. There is.

Q. Is there a sink in each Hall?

A. Really, I cannot say as to that.

Q. Do you recollect there being a great number of gallons of beer started in the cellar?

A. I do not recollect any such thing; I have heard of it, but that was before my coming into the Hospital.

Q. Could that have been owing to this man that adulterated the beer at the sinks?

A. Undoubtedly not; that beer was four, as I understand.

Q. Whether you look upon it as necessary to have a landman, and whether a seaman cannot answer the purpose as well as a landman, of brewing the beer?

A. I do not know; I never knew a sailor a brewer in my life, except brewing spruce beer at Newfoundland; when I was a Captain there, I brewed beer myself then, the common spruce beer.

Q. Do you know that both in the sea and in the Navy, there is a variety of people who have been bred up to every trade?

A. Certainly; there are all trades.

Q. Are there not cabinet-makers and joiners, which are trades more mysterious? Are there not carpenters and every other trade to be thought of within that numerous body, may there not be met with a seaman that brews beer?

A. There are all trades and occupations belonging to a man of war; I have met with all trades there almost, except a brewer; carpenters, joiners, jewellers, silversmiths, chimney-sweepers, and all trades, except a brewer; there might be brewers on board a man of war; but, as we don't employ them in the way of brewing on board a ship, I do not recollect any.

Q. What is that great mystery of brewing; as you have met with all trades and occupations in the Navy, why not meet with a brewer?

A. I will tell your Lordships why I never met with any; there might be brewers in men of war, as well as other trades; but we never employed a brewer on board a man of war; had we brewed there, we might have met with brewers, as we found out other trades, by employing carpenters, and such people.

Q. If you were to take a seaman, as you have all other trades; if you were to take a seaman on shore, and employ him in the great mystery (for so it seems to be) of brewing, do not you think you could find a man that could have brewed?

A. Undoubtedly; I do not think there is any great art in brewing; I brewed spruce beer; I found no great difficulty in that; I never brewed malt beer in my life.

Q. Lord Dudley. I ask, to your knowledge and belief, whether the present First Lord of the Admiralty is every way as much approved of in that office as his predecessor, * Lord Hawke?

[Captain Chadds withdrew.]

Thursday, May 27, 1779.

Captain CHADDS called, one of Lord Sandwich's witnesses.

Q. Duke of Bolton. Who did you succeed in Greenwich Hospital?

A. Captain Lynn.

Q. Upon what vacancy did you come in?

A. Upon the vacancy of Captain Cooke, who is the circumnavigator, gone round the world.

Q. Did you come in upon any proviso, that if Captain Cooke returned, you must resign your place in the Hospital?

A. Yes; I had that offer made me; I quitted my ship two or three times, not being able to serve.

Q. Whether Captain Baillie's removal has not established you in the Hospital?

A. His removal made me third Captain.

Q. Therefore you got rid of that proviso?

* This question put by Lord Dudley, the friend of Lord Sandwich, to Captain Chadds, who had been but a short time in the Hospital, and on whom a favour had been just conferred by the First Lord of the Admiralty, rousing the opposition, and occasioning some debates on account of the impropriety of the comparison, was withdrawn by the noble Lord.

A. If there had been no vacancy when Captain Cooke returned, I was to go out.

[Captain Chadds withdrew.]

Lieutenant BESSON, another of Lord Sandwich's witnesses.

Q. Are you of the Council?

A. I am.

Q. How long have you been of the Council?

A. Ever since I belonged to the Hospital, which is above twenty years; as an Officer, of course I became one of the Council, the moment I was appointed, as one of the Naval Officers.

Q. Do the Military Officers attend their duty?

A. Yes.

Q. Do the Civil Officers attend their duty?

A. I believe they do.

Q. Are there generally more Military or Civil Officers attending?

A. In general more military.

Q. Have you observed that the Civil Officers form a faction?

A. Not in the least that I know of.

Q. Do you know of any attempts in them to secure a majority?

A. I am entirely ignorant of that.

Q. Is any such majority secured?

A. Not that I know of.

Q. Do you know of any complaints being quashed improperly?

A. None.

Q. Do you know of any redress being refused?

A. Not any that I know of.

Q. Do you know of any cajole with the pensioners?

A. I don't understand what that is.

Q. Have you been often absent from the Hospital?

A. Not six months, put it all together, for above twenty years.

Q. If there had been any grievance, must you have known it?

A. Certainly I should have heard of it.

Q. Has the government of that Hospital been well regulated?

A. If your Lordship's will give me leave to answer fully what I know, connectedly with this question, I shall be glad to be indulged.

Q. You may go on.

A. In Captain Baillie's printed book, upon your Lordship's table, among many other charges, there is a stigma thrown upon the Council of Greenwich Hospital collectively; I have no concern with any of the charges against individuals, it is that against the Council that affects me; and I should look upon myself exceedingly injured, if I had not an opportunity of explaining that matter. If Captain Baillie knew of any grievances, that injured the pensioners, he must know that it was his indispensable duty to have laid those grievances before the Council, that being the proper channel previous to any other. For above twenty years past, and I have attended the Council as often as any Officer of my station, in the Council, I never knew of any single complaint coming before the Council, complaining of the quantity or quality of provision, cloathing, or any thing allowed the pensioners by the establishment, but that if the complaint appeared a just one, every Officer present was as ready as Captain Baillie could be to redress it, if they had it in their power; if they had it not in their power, they never failed to lay it before the Board of Directors; if there was any grievance of any sort, the Council should have been acquainted with it; I don't recollect that ever Captain Baillie met with any opposition, wherein the pensioners welfare was concerned. Now the good government and regularity of the pensioners, and the protection of them, is intrusted to the Council. Captain Baillie has met with some little

opposition in other things, but totally different from what is mentioned in the book; this I will maintain, with regard to the good government of the Hospital; there are every week complaints of pensioners and nurses, against one another, for neglect of duty, pilfering and pawning the things under their charge; these are punished by mulct, by fines, or as the Council shall think right. As to mulcting a man, three weeks instead of a fortnight or so, we are not always unanimous in that; but I should never have an idea, that a gentleman would make an opposition against another, where a poor pensioner is to be mulct; I never knew of any opposition where a poor pensioner was injured.

There is another thing, and Captain Baillie, if he is present, hears me, and he was once of the same opinion as myself; since I have been in the Hospital, there have been six different Lords of the Admiralty; I don't presume to give the least distant hint, upon any consideration, what the First Lord of the Admiralty should do, relative to Greenwich Hospital, I only speak to the fact, what I know myself. I have attended the present First Lord of the Admiralty, in different Wards; I have attended him in the Dining Hall; he has examined the pensioners lodging, diet, cloathing, and every thing of that sort; we all looked upon it he came on purpose to redress grievances, if there had been any existing; that I conceive to have been the time for complaint, if any existed. I have been told, that this book was in hand before this; I will not take upon me to say that it was, but I never heard any complaints at that time. I do declare, as I am here upon my oath (as much has been said of party and faction, and civil influence, from views of interest, and intimidations being made use of, to make a party against Captain Baillie) I declare, I never received a single favour from the First Lord of the Admiralty, nor do I ever expect any. I never had a private quarrel with Captain Baillie in my life, and I have known him seventeen years; what I have done has not been from any private prejudice whatever, it has been in justice to the Council, and to the Society I live in; I have no prejudice, of any sort, privately against Captain Baillie.

Q. Are the pensioners happy, and satisfied with their situation?

A. There are discontented men in all Societies, but they have no reason to be otherwise than happy; I don't know any of them that are not happy.

Q. Has Captain Baillie's behaviour, at the Council, been proper and temperate?

A. When first he was made Lieutenant-Governor, I thought he had a capacity, and manner, and address, that would have done honour to his station; but as I am called upon to answer the question, I must say, there is a little heat and overbearingness in his temper; it is a constitutional discontented mind, I am afraid, from jealousy and suspicion, and little private prejudices made the Captain forget himself, with regard to being warm, and little altercations have happened, I believe, on that account; but in every other respect, in private, he has always behaved to me as a gentleman in every respect, but at Council there have been heats; I have never had words with him myself, but I have seen it in others.

Q. Do you think that his conduct has been such, as tended to make the pensioners happy?

A. If the happiness of the pensioners depended upon their being satisfied with every thing, they ought to be satisfied with, there certainly have been steps taken to prevent that; so far I cannot say that they are happy.

Q. Have the Members of the Council been sufficiently active in their duty?

A. I never knew to the contrary, particularly where it appeared that the pensioner was any ways injured in any thing that was allowed him by the establishment; Captain Baillie, to my knowledge, never met with any opposition at Council.

Q. Has

Q. Has the manner in which Captain Baillie proceeded, been of a nature to conciliate or inflame the minds of the parties concerned?

A. Before the book was published, we were entirely ignorant of the charges against us, for we did not know of a single one, till they went as a complaint against us to the Lords of the Admiralty; since the book is published, I believe the pensioners have a notion, that Captain Baillie is the only man in the Hospital who is their friend, of course the rest are too bad to name, from the notion that nobody will do justice to them but Captain Baillie.

Q. Do you mean that Captain Baillie's conduct in general, has been of a nature to conciliate or inflame, with regard to both pensioners and Council, and every body that might be concerned?

A. The House, from the publication of this book, has been in a confusion that it was not before; and I must say further, (I hope I shall not be looked upon to be prejudiced, for really I am not no more than speaking the truth) since Captain Baillie has been made Lieutenant-Governor of Greenwich Hospital, there has not been that peace, happiness and tranquillity in the Hospital that there was before.

Q. Why did you sign the Memorial against the Lieutenant-Governor?

A. When Captain Baillie's book was carried to the First Lord of the Admiralty, the title of it we heard, but did not know the contents; the particulars, the Officers wished much to see it, at last we got a sight of it; I read it over, but that part which throws a stigma upon the Council, I perused very attentively; I judged for myself, and I believe the others did the same; those Officers, who were conscious of having acted with integrity, met Captain Baillie at a full Council with his book, and there, face to face, had those parts read, which reflected upon the Council; at the same time we had a Memorial drawn up, to present to the Lords of the Admiralty, disavowing the charge, and praying their Lordships to order an enquiry, that justice might be done us; we considered, that if Captain Baillie had attacked any of us in our private characters, a private satisfaction might have sufficed; but in our public capacity, we thought the Admiralty the only place to look up to for redress, that is my reason for signing the first Memorial; Captain Baillie was considerably agitated at the time, he endeavoured to prevail with some of the Officers not to sign it; I believe he did prevail with some not to sign it.

A Captain, who I believe is present, and hears me, and he has deposed at your Lordships Bar to the same purport, that he was very much surprised, that the Lieutenant-Governor should be attacked in that manner; he thought it unfair to attack him to his face in that manner; my answer was, that I thought it more manly to attack a man to his face, than behind his back; Captain Baillie had presented complaints against us to the Admiralty, without our knowing what they were till after they were published, that was the reason for what we did; we signed it there; we had it read over to him; I thought that was doing it much fairer, than doing it behind his back.

Q. Have you any such thing as a pillory in the Hospital at Greenwich?

A. I omitted, among other things, to tell your Lordships, that as well as the yellow coat, there is what they call the elevated place, it is in a conspicuous part of the Hall, raised about the height of the bottom of a chair, that the pensioners may all, while they are at dinner, see who is there, and what they are for, it is no more like a pillory than what a chair is; there is a rail they may lean upon, those that are infirm, if they please; there was a witness that was lately called to your Lordships bar, who deposed, about refusing to be put in the pillory.

Q. You are not to mention what he deposed; you don't know of any such place as is called a pillory, do you?

A. I never heard of the term till mentioned at your Lordships bar.

Q. That has none of the properties of a pillory, has it?

A. No; it is just as I stand here, there is a little bar to clap their hands on, to support themselves to stand upright; nothing more.

Cross Examination by the Duke of Richmond.

Q. Where are you lodged in the Hospital?

A. I am lodged (unfortunately for me with one leg), at the top of the house, where I have been ever since I first came to the Hospital.

Q. Have there been any additions made to your apartments since you came*?

A. There have been a few, and if there had been more there would not have been too much.

Q. Have there been any rooms for your apartment made in the roof of the building?

A. There has been a room for a servant; I had no convenience to lodge a servant in the place I had below; it is so damp they were laid up every winter with the rheumatism.

Q. Have you had one or two rooms made?

A. One room only.

Q. Nothing more?

A. I have a little slip I can just stow my cloaths in, which cannot be called a room, it is just a slight partition to separate it; I might have laid it in one.

Q. There are two rooms of some sort or other, whether great or small?

A. There is but one taken out of the roof, the other is over my kitchen.

Q. That which is over the kitchen is not in the roof?

A. No; one is made from the roof, the other out of the kitchen; it is at the top of the kitchen which joins to the roof; it is a sky-light affair.

Q. Is there a fire-place in one of them?

A. There is, but being a servant's room; it has never had a fire in it, nor I never intend there should, except when they are ill.

Q. Has not the original kitchen belonging to your apartment been made into a bed-chamber?

A. It has.

Q. Have you had a bed-chamber made into a kitchen?

A. The kitchen was converted into a bed-chamber, and bed-chamber into a kitchen, being much safer than having it up so near the apartments.

Q. Does the drain of that kitchen run through three of the men's cabins?

A. It runs through a corner of a cabin in one ward, and may go down, I believe, through one cabin more at the bottom; I cannot answer to that, I would not answer to what I do not perfectly know†; I think it goes at the first cabin, not through it, and at the bottom of all, it goes through one of the men's cabins.

Q. Did it not run under one of the men's beds?

A. The back of the bed.

Q. Does it not run through the nurses closet?

A. It does run through the nurses closet.

Q. Is it not in an open gutter in the nurses ward?

A. No; it is a gutter, but there is a close wooden cover to it.

Q. Is it leaded down, or nailed down?

A. The gutter is leaded, and the cover is fixed down close upon the top of it.

Q. So as to prevent any stench coming from it?

A. Whenever there is any stench, it is always removed immediately from that part, by sending to the Office to have it cleaned out; I never heard of

* This favour was granted by Lord Sandwich, besides an addition to his pay.

† This drain is in Lieutenant Besson's Division.

any complaints of it, that were not immediately redressed and put to rights.

Q. Does it go through the Cumberland, the Royal George, and the Jennings Wards?

A. I believe it may, I am not positive.

Q. Was not that stench so considerable as to occasion a stink trap to be placed under one man's bed, in the Jennings Ward?

A. Yes; there was, and not only there, but in the very apartments belonging to the Officers, there are some of those things.

Q. Is it not looked upon yet as a nuisance to the inhabitants of those wards?

A. I don't hear the men complain, I go through often; I have repeatedly said, whenever you find any disagreeable smells occasioned by this, send to the Office immediately; the Office will put it to rights directly, and remove this nuisance; so that, if it ever happens, it is their own fault if they don't apply to have it remedied.

Q. How often is that stink trap to be emptied?

A. I believe it may be, in the summer time, once a month, or once in two months.

Q. And how often have there been any applications about it?

A. We do not always know when the applications are, because the Boatwain of the ward has a general order, whenever it appears the least of a nuisance to the ward, to send to the Office; they immediately send, and then it is cleaned out directly.

Q. Have you had any part of the public passage leading to your apartment inclosed?

A. I have. I will tell your Lordships how that happened; when my apartments were last painted, which was I believe eight years ago, I was absent for a month or six weeks; and the late Governor of Greenwich Hospital, Sir George Rodney, without my knowledge, took upon him to desire the Board to do it; that was, I believe, in consequence of telling him that I had my cupboard robbed, which is on the outside; it was all open before; he said you shall have it inclosed. There are no pensioners have any business up that passage, it is the officers who have the key to go into the wards; but the pensioners go up another way, they have stair-cases of their own.

Q. How much of that public passage have you enclosed?

A. I cannot really say how many feet it is, I never measured it; there are a couple of windows taken in.

Q. Was Mr. Ibbetson instrumental in getting any of those accommodations for you?

A. Not that I know of: I will answer that question as far as I know; I was mentioning to your Lordships before, a dark room which I had for my servant to lie in, it was exceeding damp, the wet used to run down in the winter, this joined close to Mr. Ibbetson's; by opening a communication to Mr. Ibbetson's, it would have more air, and the next room to it having a fire would prevent this; I said you have applied to have an addition to your apartments; there is no objection to it, provided it did not infringe upon the wards; for the First Lord of the Admiralty had said, he had no objection to that, if the Pensioners wards were not infringed on; I said, if you can get me a little room made, I will give this up to you; I said, I had no objection, but I should be very glad to give it all up if I could get a ground floor; for after 20 years I found that apartment very inconvenient.

Q. You said, you think that you complained of Captain Baillie concerning the printed case of Greenwich Hospital?

A. No: Captain Baillie complained of us; we disavowed the charge, knowing ourselves to be innocent of it; I don't call that complaining against him.

Q. Was it not filed a complaint in the wording of it?

A. I believe not; it was in answer to the charge.

Q. Was that answer to the charge an act of Council?

A. We met Captain Baillie at a full Council, some of the Officers there were for complaining; some of the officers that he might have prevailed on, would not sign; Captain Baillie got up and left the chair; there was no President; then we could undoubtedly have insisted upon putting another in the chair; we thought it a thing not to debate about, for it was no matter whether it was an act of Council, or of the officers belonging to the Council.

Q. Was it an act of Council or not?

A. Not of the Council, I believe.

Q. What complaint did Captain Baillie make of the Council?

A. The stigma thrown on the Council was (I don't recollect the words, but it was to this purport) that civil interest made a factious party among the Officers to oppose him at Council, by which means it frustrated his most zealous endeavours to serve the Pensioners, and that there was no legal government in Greenwich Hospital; we know that to be a gross misrepresentation, and for that reason we signed the Memorial.

Q. What do you understand Captain Baillie meant by no legal government in Greenwich Hospital?

A. The good government and regularity of the Hospital is intrusted to the Council, and his saying there was no legal government of the Hospital was a reflection upon the Council.

Q. Are you sure he meant the Council by that?

A. I only speak it as the matter struck me.

Q. Did you ask him whether he meant the Council?

A. The first day of the Enquiry I met him; he said to me, I have nothing to say against you, you are a Naval Officer—I remember that; but when I came to see this, I saw it must be a very odd affair to be deceived in that manner, when he says there is no legal government in Greenwich Hospital, and a factious party among the Officers. Now fourteen Military Officers must have a majority over five or six Civil, and therefore must prevail, unless the Military act a rascally part to deceive the Hospital; if he had said who they were, and not mentioned my name, I would never have signed any thing against him. If Captain Baillie had any thing, and brought it to Council, where the pensioners were injured, I would have been one of the first that would have joined him.

Q. Captain Baillie said he had no complaint against you?

A. As a Naval Officer; he said, this might have been told every one separate; but I don't say that it was so.

Q. But he did not say he had no complaint against you?

A. When he came up to my apartment, which was to examine a little trifling addition, which if your Lordships were to see, I am sure you would think trifling indeed; when I was going to explain to part of the Committee what was done, he said, Mr. Besson, I have nothing to say to you, you are a Naval Officer.

Q. Then Captain Baillie did say he had no complaint against you, you being a Naval Officer?

A. He did.

Q. I think you said Captain Baillie had complained against you, and your's was an answer to that complaint?

A. These are charges against individuals, which I told your Lordships I had no concern with; here is no charge against the Council collectively; I, as one of them, joined with those Officers, who, conscious of having acted with integrity, we disavowed jointly; we could not go separately; I own, I could not with any degree of temper read it.

Q. I desire

Q. I desire the Short-hand writer will refer back to an answer the witness gave, where he said that the happiness of the pensioners depended upon their being satisfied with every thing, &c.

Mr. Gurney read from his short-hand notes the question and answer as followeth :

“ Q. Do you think that his (Captain Baillie’s) conduct has been such as make the pensioners happy.

“ A. If the happiness of the pensioners depended upon their being satisfied with every thing they ought to be satisfied with, there certainly have been steps taken to prevent that : so far I cannot say they are happy.”

Q. What do you mean by steps taken to prevent their happiness?

A. What I conceive of it is this ; that by publishing this book, and repeating many things that have been settled before, as to bull beef, and four small beer, I am sure your Lordships have heard so much of it, you must be tired with it. That matter was settled, and every step taken that could be taken ; and we thought there was an end of that, when this was revived again in the book, and in such a manner, that strangers, and pensioners coming in every day, they must look upon it, that they must eat bull beef, and four small beer ; that it would be continued, and that Captain Baillie was the only honest man, the only man of integrity that was capable to judge properly for them ; and that by frustrating him, they must be injured. This I conceive of the matter, that that did a great deal of injury ; for I do not know a single Officer belonging to the Council, but what would always be as ready to do justice to the pensioners, as Captain Baillie himself, though not to endeavour to make themselves popular ; for no man has a right to arrogate popularity to himself, at the expence of the Council ; and this was representing, that the whole body of Officers were set against him, and if they succeeded, the pensioners should live upon bull beef, and four small beer for ever after. This is my idea of it.

Q. Be so good as to point out that part of Captain Baillie’s book, where it says that, or any thing like it ; that the pensioners are to expect, that they are to continue to be so treated ?

A. Not literally, but I think it points it out very strong.

Q. Can you point out any one word, or syllable, in Captain Baillie’s book, that insinuates, that the above abuses of the four beer, and of the bull beef, was ever to be continued ?

A. Not literally so ; I am only telling your Lordships, with regard to the pensioners, their idea when they come in. What is the matter ? why, such a matter is now in agitation, and so and so ; Captain Baillie is our friend, and we should live upon bull beef, and drink four small beer, if it was not for him. He is our friend, and is doing all in his power to redress us ; and here are a body of men opposing him, and frustrating every good attempt for us, that he is trying at. Perhaps these men never read the book, but from hearing that the book has been productive of this.

Q. You was asked, if Captain Baillie had done any thing that should cause discontent ?

A. Not of himself ; I should suppose he would have prudence enough not publicly. Indeed, I don’t insinuate from my own knowledge, that he ever tampered with the pensioners, or told them so.

Q. Then, what you say, amounts to this : that the pensioners think Captain Baillie their only friend ?

A. Some of them may, from the motives I mentioned, not from any motives of justice ; but they have been misled, and made to believe that, one among another.

Q. I understood you, that since the book has been published, the pensioners have a notion, that they have no friend but Captain Baillie in the Hospital ?

A. Some of them.

Q. You did not before restrict it to some ?

A. I meant in general.

Q. In general, have they that opinion ?

A. I am persuaded they have not at present, though they might some little time ago ; as, for instance, at the door of the House of Lords, the mutinous riot that was assembled there.

Q. A mutinous riot did you call it ?

A. We look upon it so in the military way, when a body of men assemble without an order of their Officers. When the Deputy Usher of the Black Rod, Mr. Quarre, came into the coffee-room, he said, what are your men assembled here for ; I said, I don’t know ; he said, they obstruct the Lords coming to the House ; I said, if I had an order to ask them that question, I would go ; Captain Maplesden, and several others said, I wish you would ; I went out, I did not chuse to expose the authority of Greenwich Hospital, to call out publicly to the men to disperse, for fear they should refuse me ; I called three or four of the Boatswains to me : Who ordered you here ? Nobody : Then why do you assemble in this manner ? They could not tell ; I said, if you have no other reason, I desire you to disperse ; go and tell the men they have no business to form in that regular manner, as if they were coming to besiege the door of the House of Lords. They went away, they paid no attention to what I said ; I returned ; I thought the men would certainly have done as I desired them ; they did not, they remained there afterwards. Lieutenant-Governor Maplesden went out himself, when he heard a huzzaing ; he waved his cane, as we do sometimes to those to tell them to disperse ; I believe your Lordships have heard, before the result of that, from the Minutes of the Council, they were very insolent and mutinous. One went up to him in a daring manner, called him an old scoundrel, and said they would do as they pleased. The matter came before the Council ; we were as tender as possible, because we thought much would be made of it. Those that disobeyed my orders, were mulcted only half a crown*, and the man who flourished his cane over the Lieutenant-Governor’s head was reduced to a private man.

Q. Do you look upon it mutinying to disobey your advice ?

A. When a body of men are assembled, and their Officers desires them to depart, disobeying orders is mutiny.

Q. Did you think you had any command over a pensioner of Greenwich Hospital at the door of the House of Lords ?

A. In all parts of the town ; if I see them drunk I take notice of them.

Q. I asked you if you have any authority over the pensioners at the door of the House of Lords ?

A. I thought, out of respect to your Lordships, that it was a reflection to the Officers, seeing them there ; they might behave insolently to your Lordships.

Q. Do you think you have any authority over the pensioners of Greenwich Hospital, when out of the Hospital, and at the door of the House of Lords ?

A. I distinguished that particularly : You that are summoned by the House of Lords are to stay here, but you who are not summoned are to go about your business ; that I particularly took notice of ; I would not presume to send away any person that was ordered to attend your Lordships ; they have an equal right with myself ; but many of the men assembled in that manner, we could not tell for what reason.

Q. And because you could not tell for what reason, therefore you deemed it mutinous ?

* The men are allowed one shilling a week.

A. I told the Boatswains to go to them.

Q. With your *advice*, not your *commands*?

A. With my advice, and that they should answer at their peril, if they did not.

Q. You have said, that these were, in the first place, people that were not summoned to attend the House?

A. Very few of them were summoned; I believe the Boatswain who shook the cane over the Lieutenant-Governor's head, and called him an old scoundrel, I believe he was.

Q. Did you see him do that?

A. I saw him flourish his cane over his head, but I did not hear him make use of those words; there were men appeared at the Council, that declared they did hear him.

Q. What was Glass turned out for?

A. For behaving insolent to the Officer of the Week; he was neither a Boatswain, nor a Boatswain's mate, he was rated as a Boatswain's mate, and had a Boatswain mate's lace for shewing the Painted Hall; he behaved insolent to the Lieutenant of the Week, Lieutenant Fortye, the junior Lieutenant of the Hospital. Many of the town's people, ladies and gentlemen, were very much surprised; I did not see the insolent behaviour, he behaved decently to me, when I came in afterwards, and appeared at Council afterwards. He behaved insolent to the second Chaplain, the Reverend Mr. Maule, for which he was ordered not to attend at the Painted Hall any more, and was to ask pardon in this elevated place, publicly, that all the pensioners might see him, and hear that he asked pardon for the insult shewn to the Officers; he said he would not; "I myself said, be persuaded, you will be your own enemy in this, if you refuse complying with the Council's sentence; you know the result of that, you must be expelled the Hospital." It is a general rule with us, they certainly are, or there would be refusals every day. We desired him to go out and consider of it; he went out, and came in a second time, and I believe he went out and came in a third time; still he persisted that he would not ask pardon; so he expelled himself the Hospital.

Q. What is this elevated place, as you call it? Is it a greater disgrace to stand there, than to ask pardon in any other place?

H. I don't know that there can be any disgrace in it, any more than it is more conspicuous; all the men see them there; and perhaps they would wish for but very few of them to see them ask pardon.

Q. Have not you different degrees of punishment in the Hospital?

A. Mult; confinement; suspension; expulsion. We can keep them on a diet of bread and water, when incorrigible; and expulsion is the last.

Q. Don't you make them ask pardon for faults sometimes?

A. We do.

Q. Is it always in that place that you make them ask pardon?

A. Sometimes. When it happens in the Ward, we make them ask pardon of the parties at the Council, and go up into that Ward where the insult was given, and ask pardon there; but in the Painted Hall, where the insult was given, it was, for example sake, that he was ordered to ask pardon in the elevated place.

Q. Is it looked upon as additional punishment?

A. It is looked upon more than asking pardon in the Council-room.

Q. You say Captain Baillie has been sometimes very warm; can you give any instance in which he has been very warm at the Council?

A. Your Lordships have been told at your bar, that the Civil Officers begin first with giving their votes, by which means they are called the leaders, and the rest follow them. Now, I believe, in all Courts-martial, the junior Officers begin first; it would be absurd for the senior to begin; he might

influence the junior. The junior begins first; but it does not follow, that I follow his opinion, because I happen to coincide with his opinion. Captain Baillie, as President, should reserve his opinion till the last; he may examine, but he should not give his opinion first; he should give others leave to do it; which he generally did not; but he too often gave his own opinion first; by which means, when any of the juniors were giving their opinion, he endeavoured to argue with them, and to convince them that his way of thinking was better; by which means the business frequently was stopped; and it might lead sometimes to a very great warmth. I should be sorry to take up much of your Lordships time; but in a very few words (as every Lord here would wish to know the real grievances of Greenwich Hospital) I can tell your Lordships the real grievances of Greenwich Hospital, if you will please to hear them.

Q. Go on.

A. Captain Baillie hears me now; and I would wish rather he was present to hear me, than otherwise. The real grievances in Greenwich Hospital have originated with Captain Baillie's private quarrels with some of the Civil Officers, which made him too often blend private resentment with public duty; and when an Officer differed in opinion from him, he was construed part of the faction of Civil influence; and, in short, every thing that was bad; now it is modestly saying that he was the only honest man of sense, capable of judging, amongst us all; and that we must be knaves or fools to be biased by others, to the injury of the Hospital.

Q. Do you know of any other instances, than what you have mentioned, of Captain Baillie's warmth? I think the instance which you have mentioned is, that Captain Baillie has argued with the junior Officers, who were to give their opinions first?

A. To enter into particulars, that would be a repetition; for at many Councils there has been too great a warmth, and has brought on disagreeable debates of arguments; but never when any appeared, where the pensioners were injured, he never met with any opposition; we were unanimous in that; I only speak of trifling things.

Q. As you have cast a general reflection upon Captain Baillie, to say he was very warm in the Council, and the grievances of Greenwich Hospital have proceeded from his having private quarrels with other particular persons, it would be doing him justice to mention what those particulars are.

A. There were two or three of the Civil Officers that he had private quarrels with; and I never saw, before those private quarrels were, but that every thing went very quietly; but from the opposition to those particular people, that gave me reason to think that was the ground of it.

Q. I beg to know the date of those quarrels?

A. Some years past; it was before and after Captain Baillie was Lieutenant-Governor.

Q. Then if it has been before Captain Baillie was Lieutenant-Governor, I don't understand you?

A. He might not have it in his power to shew those private quarrels, till after he came to be Lieutenant-Governor; I am only speaking of what I know, with regard to those private quarrels; I believe this; I don't say it is fact; but I have made that observation; and I think that is the grounds of the grievances of Greenwich Hospital.

Q. I beg you will mention any other instance of Captain Baillie's warmth in Council; you have only mentioned one.

A. He never had any with me. The duty of a Naval Officer in Greenwich Hospital is principally the good government of the pensioners, and their protection. A Naval Officer has no business to go into the office of a Civil Officer. I suppose every man of trust will act like an honest man. If the pensioners come with complaints, you will attend to them; but are not to go to search into things, and suspect people of frauds without grounds.

Q. Do

Q. Do you know any instances of Captain Baillie's searching for frauds, without having them complained of?

A. I was in the Hospital many years after Mr. Bell*, who was in the Hospital above forty years; no Military Officer ever presumed to go into the kitchen; it was his indispensable duty to receive the meat, see it cut up, and delivered to the Cook, who locks it up. The Naval Officer is to go into the Dining Hall when the bell rings, and the men are assembled; if the meat appears improper, then I am to take notice of it; I am not to go into the kitchen, and see if the Civil Officer does his duty, and suspect him to be a rascal; no; if he, the Civil Officer, has any doubt, he sends for the Officer of the Week to go in and assist him; it is not my duty to go there without; and every man of integrity would be hurt by it very much; I should think it very wrong, and resent it, if a Civil Officer came into the Dining Room to see if things were right.

Q. Then one of the great grounds against Captain Baillie, is, he has been very officious in looking into the meat?

A. I was asked what grounds I had for supposing quarrels with the Civil Officers the grounds of it; I mentioned this as what I thought the ground; he encourages others to go and see whether this or that man is a rascal or not; which I should not think he would do, unless he had a quarrel with them.

Q. Then it has been his inspecting into things, to see if there were any frauds or not?

A. In an improper manner.

Q. What do you call an improper manner?

A. It is an improper manner for me to go into any man's office, who has a trust, to see whether he acts properly or no, when I have no business so to do.

Q. Then you don't think it is the duty of the Lieutenant-Governor to see whether the Officers in the Hospital do their duty?

A. Every Officer of the Hospital is to take notice of every fraud that he knows of; then they are to be brought before the Council; they are not to be made private memorandums of at home, but to be brought to the light, and rectified immediately.

Q. I understand you, that the cause of quarrel between Captain Baillie and the Civil Officers of the Hospital, was, that Captain Baillie had enquired, in an improper way, into the meat?

A. Not particularly that; but, in general, his private quarrels with some of the Civil Officers, I believed, was the general cause of the disturbances in Greenwich Hospital.

Q. I desired an instance, and did not you mention that he had particularly examined, in an improper manner, into the meat?

A. Yes.

Q. Give an instance of that.

A. I have known a Captain or Lieutenant of the Week go into the kitchen when the meat has come in, examine the meat, and, before the Civil Officer has determined one way or other, 'That meat is not proper; I desire that meat may be sent away.' He might have gone in and looked at it, but not have given any orders; he had no right to give any orders about it; it is the Civil Officer's duty to take notice of that; and if he found he did not report it, then take notice of him; but not before he found what his report should be.

Q. Then the cause of this is, that Captain Baillie has expressed himself, that the meat was bad, when he saw it such?

A. They have no right to examine the meat before it is boiled; not a Naval Officer, without he is called in by the Steward and the Clerk of the Cheque.

Q. That is your opinion?

A. We are directed, by the King's commission, not to interfere with any thing, only the government of the Hospital.

* A former good Steward.

† After it is boiled, there can be no redress for the men, be it ever so bad.

Q. And you don't reckon it a part of the good government of the Hospital, to see whether the meat is good or bad?

A. Certainly, when it comes into the Hall.

Q. It seems Captain Baillie has been too officious in enquiring into this matter?

A. Not merely that.

Q. What then?

A. What have I charged him with?

Q. I can't find that out; tell the Committee what you do charge him with.

A. With being very passionate and overbearing in Council; and with interfering in the private Officers duty in points he had no right to do; such as Officers going into the kitchen, who had no right to go in there, to examine the meat before it was boiled.†

Q. Do you know of any instance in which Captain Baillie has behaved ill to the pensioners?

A. In what respect does your Lordship mean?

Q. I ask if you know any?

A. I think by causing a confusion and disturbance in the Hospital, and setting them by the ears together; and making the men, in general, believe they have been fed upon bull beef, and that it would be continued so; and that there were frauds continually exhibited against them: this is inflaming their minds, keeping them in hot water, and making them unhappy.

Q. These are general charges; give an instance.

A. When the Committee was sitting, he came out from the Committee Board; the words I cannot recollect; but they were repeated loud enough for any body to hear; that the lame and the blind (I beg your Lordships pardon, he made use of an oath) that there would be no redress for them. This is making a very bad impression upon the minds of the pensioners, and must make them very unhappy to think that they should have no redress.

Q. That was in consequence of the examination?

A. It was, I believe.

Q. Was you present at that examination?

A. I was not at that time; I was called when the Council was called before the Board; I was one of them.

Q. Was this addressed to the lame and the blind, only, or in general to the pensioners?

A. In general, in coming out; but I must beg to observe to your Lordships, I did not hear it myself.

Q. Can you speak to any other act in which Captain Baillie has ever told the pensioners that they must expect to be fed with bull beef and four small beer?

A. I don't know of any.

Q. Do you know any instance of his having done any injury to the pensioners?

A. I do not.

Q. Do you know any instance of his having struck a pensioner?

A. No.

Q. Do you know any instance of any other Officer having struck a pensioner?

A. Not of my own knowledge; there is little of that in Greenwich Hospital; in the course of twenty years I don't think it has happened twice.

Q. Did you ever know Captain Baillie in liquor?

A. Never.

Q. Has he constantly attended since he has been Lieutenant-Governor?

A. Constantly: I believe as much so as any Lieutenant-Governor.

Q. Has he made it his business to take care of the pensioners?

A. Not more than other Officers; he can do nothing of himself; it is the Council.

Q. Has he done any thing to injure the pensioners?

A. Nothing more than the impression that has been made upon their minds; I don't contradict that.

Q. Is he looked upon by the pensioners as their friend?

A. I believe that he has been lately, since the book has been published, looked upon to be particularly so, because he has *risked his all*, I believe, for their *sake*.

Q. The opinion of the pensioners, in general, is, that he has been their friend?

A. I cannot say in general; I do not converse with the men; only when we come to Council we hear them.

Q. I ask as to the general opinion?

A. I don't know as to that.

Q. Do you know of any one instance in which Captain Baillie has ever misbehaved to any pensioner?

A. I don't know, with respect to any single pensioner: I only know the general impressions made upon the pensioners.

Q. Lord Dudley. You mentioned a drain that runs under your apartments; was not there an old drain that ran under your apartment, and some of the cabins belonging to the pensioners, before you came into that Office you are now in?

A. The same drain remains now; it is a water drain, it conveys the water from the top of the House, it is a large barrel, and this drain is let into that; that is the thing, it has not been a new drain, or a new barrel.

Q. Duke of Bolton. Whether the Officers have not all of them a set of instructions relative to their conduct in Greenwich Hospital?

A. We have instructions to be guided by, not relative to our conduct, but it is to regulate the pensioners conduct.

Q. But have the Officers no instructions?

A. These are instructions given us by the General Court, confirmed by the Admiralty, which instructions we go by with regard to the regularity of the pensioners, and the punishment that is inflicted upon them; sometimes, in little points, it is left to the majority of the Council, what they think right.

Q. Are there no instructions to obey the orders of the Governor, and the Lieutenant-Governor?

A. There are such instructions.

Q. Have you such orders?

A. I have.

Q. How far do you think those orders reach?

A. The naval Officers of Greenwich Hospital are set down in that Royal Asylum, for their past services; the Civil Officers, for what is expected from them, they are supposed to be active men, capable of doing their duty, or they are unfit; the Naval Officers; if I am not able to come out of my apartment, the Governor, or Lieutenant-Governor, cannot compel me to it; the Civil Officers are paid, for what is expected from them; they are supposed not to be feeble men, but men capable of doing their duty.

Q. But I ask, if there are not instructions to obey the Lieutenant-Governor?

A. Yes.

Q. Then, if the Lieutenant-Governor orders you to inspect the meat, are not you bound to do it?

A. I should desire him to give me a written order, if he desired me to do any thing I thought not my duty, to justify me for doing an unwarrantable thing.

Q. Did you ever know an instance of a written order being given in the Hospital to you, from the Governor or Lieutenant-Governor, to do your duty?

A. I never was desired to do any thing improper by either of them; Captain Baillie never set me upon such a thing as that in his life; if he had I would say, I will obey you, if you will give me a written order; but I think this is not a Naval Officer's duty.

Q. You don't know of any written order being given?

A. No.

Q. Did you ever inspect the meat, by the order of the Lieutenant-Governor?

A. I never did; I recollect when the Steward and the Clerk of the Cheque have sent to me, I have gone there with the Captain of the Week; we have condemned meat, and sent away that which was not agreeable to the contract; and several times we have sent to market for the best meat that we could get; but sometimes the meat has appeared very fair to the eye; some that appeared to be bull beef was as fair to the eye as could be; when it was boiled, it turned out to be bull beef; it would have deceived a butcher we must have been rascals to have done it designedly.

Q. I ask you, whether you have not, by the orders of the Lieutenant-Governor, gone and inspected the meat?

A. I cannot recollect that I ever received any particular orders from the Lieutenant-Governor; I have gone in consequence of the Civil Officers sending.

Q. Have you heard of any other Naval Officers going by order of the Lieutenant-Governor?

A. I have.

Q. But had they any written order?

A. If the thing had been wrong, a written order would not make it right.

Q. But you never knew of their having a written order?

A. No.

Q. You have talked of a Memorial that was brought to the Military Council of the House.

A. We looked upon ourselves, till of late years, Civilians; we are kept upon the list that we might have the half-pay, but we are all superannuated in Greenwich Hospital.

Q. But whether the Council of the House has not been called the Military Council?

A. There is but one Council.

Q. But is that called a Military Council?

A. It is often called so by pensioners, and many others, but we call it a Council.

Q. Have you read the Commission?

A. I have.

Q. Do you remember whether it is there called a Military Council?

A. I don't recollect particularly.

Q. With regard to that Memorial which was brought to the Council Board, complaining of Captain Baillie when he was Lieutenant-Governor, which of the Chaplains was it that brought that Memorial forth?

A. Neither of them.

Q. Who brought it?

A. The present Lieutenant-Governor, Captain Maplesden, I remember perfectly well, pulled it out of his bosom at Council.

Q. Was there a majority of Military Officers at that time present?

A. Certainly a great one, I think.

Q. Was there a majority of Military Officers, for presenting the Memorial, or not?

A. There was a majority of military at the Council.

Q. Do you remember how many Military Officers were at the Council?

A. The books will tell.

Q. You don't remember particularly, that there was a majority of Military Officers, at the Council, against the Memorial?

A. I will repeat them if I can; Captain Baillie did endeavour to persuade some not to sign it; I will tell your Lordships who were the Officers that did not sign it; Captain Allwright, Lieutenant Kerr, Lieutenant Ansell, and, I believe, Lieutenant Lefevre, but I am not certain whether he was there or no, if he was, that makes four; Lieutenant Kerr is here now. There were the present Lieutenant-Governor, Captain Lynn, Captain Chads, Lieutenant Moyle, and myself; five military Officers that did sign it.

Q. Then you were five to four?

A. I don't recollect any more Naval Officers; I remember Lieutenant Kerr said, he did not know what

what to do; he seemed very much agitated; I said, every one must judge for himself.

Q. Who were the Civil Officers that were present?

A. The Memorial is upon your Lordships table; I really cannot recollect all of them.

Q. With regard to what you have termed riots, what is the rule in Greenwich Hospital, about the pensioners being absent? What time of day are they allowed to be absent? And where do they go?

A. We have got a day-book, and a night-book; no man is to absent himself, by the rules of the House, without leave; there is a muster every day in the week, except one; every man is to attend his muster.

Q. What time is the muster?

A. At twelve o'clock.

Q. From twelve o'clock, what time have they leave of absence?

A. They must be in the gates by ten o'clock; they have leave of absence, when it does not interfere with their duty.

Q. What duty?

A. There is guard duty, and sentry duty.

Q. They have leave of absence to go where they please?

A. Yes; but those men who were at your Lordships door, were here at eleven o'clock in the morning; they should have been at Greenwich Hospital at twelve o'clock, to attend their muster.

Q. You have said, that all complaints, made by any Officers, ought to be carried directly to the Council, and immediately taken notice of?

A. There is a Complaint-book, in which the complaints are put down every day, the common complaints of quarrels between pensioners, and neglect of duty; but where the pensioners seem to be aggrieved, and want immediate redress, it is the duty of the person who knows that, to acquaint the Commanding Officer upon the spot, who has a power to call a Council, and lay the matter before them as soon as possible.

Q. Was you present, perhaps a day, or two days, before the late fire, when Lieutenant Kerr came to Council and complained of the danger of fire in the Taylors room?

A. I don't recollect Lieutenant Kerr, or any other person, making any complaint in Greenwich Hospital of danger by fire.

Q. Before the fire began?

A. It was not done, I will venture to say, by any Officer, as a matter laid before the Council; it might be mentioned in conversation.

Q. In what manner was it mentioned?

A. As far as I understand it was mentioned, that the Taylors room, they wished it was removed; or something of that sort.

Q. When was that?

A. I was not present; if I was, I did not attend to it; I heard that such a thing had been mentioned.

Q. Was you at the Council when there was a reference made to it, from the Board of Directors, touching the allowance made to the men in money, some years ago, instead of meat?

A. Does your Lordship mean the Chalk-off Lift, or the Butler's Lift?

Q. Both were mentioned.

A. I cannot speak positively to that; I do not recollect that; but I know, in regard to the Butler's Lift, and Chalk-off Lift in particular, I have had complaints in the Hall made to me, in my duty week; but the complaint has been, that the Butler gave them provisions instead of chalking them off, when it was their proper turn to be chalked off, and they looked upon it as a hardship to be obliged to take the provisions; that I remember more than once or twice.

Q. But do you remember having been at Council when the Chalk-off Lift was represented by the Council, to the Board of Directors, to be abolished?

A. I recollect I saw at that time, and at that very time that it was done; I looked upon it as a thing that was necessary, but after that we re-considered it, and we found that there were very many deserving, sober, worthy fellows, in the Hospital, who had families; and by letting them be chalked off, they could buy with this money, sufficient to support a wife and two or three children, when a small allowance would not; it was in consideration of that, that I altered my opinion.

Q. Did the Council take any steps in consequence of that, to signify to the Directors that they had altered their opinion?

A. It was not mentioned to the Directors, but that was my private opinion.

Q. But did the Court of Directors take any notice of that which was a unanimous reference to them from the Council?

A. I believe they did examine into it, and found it would be productive of ill consequences, that they did not at first foresee.

Q. Did the Board of Directors take any notice of it?

A. The Governor and Lieutenant-Governor, the Treasurer, and the Auditor belonging to the Board of Directors, they might tell it to them.

Q. Do you know that they did?

A. I do not know that they did.

Q. Did they comply with the unanimous recommendation of the Council?

A. I did not hear that there was any alteration.

Q. You must know whether there was or not?

A. I believe not; and that because it was in consideration of being of service to many deserving men and their families.

Q. Was the unanimous request of the Council complied with by the Court of Directors?

A. I believe not.

Q. Was any reason given why they did not comply with it?

A. In private it was mentioned, but not in a formal manner to the Council.

Lieutenant MOYLE called by Lord Sandwich.

Q. Lords Dudley and Chesterfield. Whether you was present at the measurement taken of the linen?

A. I was.

Q. How did you proceed in taking such measurement?

A. There was a standard of the length that was proposed by the House, it was originally so; one long stick*, and at one end of it, it was marked a quarter of a yard, a nail, and a half nail; and there was one person stood at one end; Captain Chadds was at one end, I was at the other.

Q. How many years have you been in the Hospital?

A. Above thirty.

Q. Did you ever hear the men complain of their shirts or sheets?

A. Never that I heard.

Q. Does the present Steward, Godby, exercise his Office duly?

A. I think he does; he frequently has called upon me as an old Officer, to advise with me; my apartment is close to his Office.

Q. Is there any occasion of complaint against him?

A. I never conceived that there was.

Q. Duke of Richmond. Whether you have had any additions made to your apartments within these few years?

A. Certainly.

* This is a new mode of measuring linen, with a long pole or stick, two yards and an half long, with a person at each end stretching out the sheets, &c.

Q. What are they?

A. A small parlour, and a bed-room.

Q. Has not your kitchen been enlarged?

A. Yes.

Q. Have not the walls been removed from their foundations, in order to make that?

A. None.

Q. Has not there been a party-wall removed?

A. There was a plaister wall, but it had no connexion with any foundation wall.

Q. Is your's a large kitchen?

A. It is a very good kitchen: before it was enlarged, it was but seven feet wide; and I had a family then of seven children.

Q. Is there any kitchen in the Hospital larger than your's?

A. I don't know; yes, I believe there is.

Q. How many?

A. I speak only by guess, I never measured any of them; I believe there may be two.

Q. Which are they?

A. I believe the Lieutenant-Governor's, but I am not certain, I never measured it; nor I don't know that I have been in it since it has been his apartment.

Q. Are you sure that your kitchen is not so large as the Lieutenant-Governor's?

A. I don't know that I was ever in it but once in my life, and that is twenty years ago.

Q. What do you guess about it?

A. I cannot guess; I am at your Lordships bar upon my oath.

Q. Do you know whether there have been any seafaring men introduced into what is called the Civil Establishment, within these last seven years?

A. I recollect that there was a Cook's Mate made from one of the pensioners; a man behaved with great integrity in the kitchen, when he was an underling; and for that reason he was made a Mate when there was a vacancy; he was appointed, I believe, at the recommendation of Captain Baillie; I think I have heard so; but I don't speak positively to that.

Q. Was you present at the Council that voted to abolish the Chalk-off List, and to recommend it to the Court of Directors to abolish it?

A. I believe I was at the Council; but whether the Minute was in that nature, I cannot say; I think it rather a reference from the Board of Directors to the Council, for their opinion, with regard to the utility.

Q. Do you recollect whether they did not recommend in consequence of that reference, that the Chalk-off List should be abolished?

A. I believe they did.

Q. Do you recollect whether that recommendation was unanimous?

A. I cannot recollect, it is a good while ago. In trifling matters I have many times observed it, in gentlemen whose conversation upon the points have been different to their views, they have given into it at last, because they have seen that there has been a great majority in favour of them; and they were not willing to enter into disputes, or to make a difference in the Council, but to give it up; and I believe that I was one of those, from an observation, that from a long time that I have been in the Hospital, I have known the pensioners, who many of them have wives and families, have solicited to be on that list, on account of assisting their families; that in the winter time, they could with the money they sold their meat for to the Butler, they could make a mess with the broth to supply their families.

Q. Is it the practice of the Clerk of the Council, to set down, that it is the *unanimous* recommendation, when any body differs?

A. I believe not—it then says, I believe, by a majority.

Q. Then if that recommendation is said to be

unanimous in the Council books, do you imagine or not, that it was unanimous?

A. I have mentioned the reason with respect to myself; I can answer for no one but myself; I did consent to that, though at the same time I thought it was better as it was.

Q. And yet did you consent to have it set down unanimously, that it was your opinion when it was not?

A. I did; and have, in many instances, without any dishonour or discredit to myself, I think; when I have seen that a number of gentlemen were of opinion different from what I have been arguing for, I have acquiesced for the sake of quietness and peace, not to make uneasiness in the Council, where the point is not of any consequence; and in this case there was a great majority, and I went with the tide, to speak as a seaman.

Q. Do you frequently give up your opinion when you find there is a majority?

A. Not always.

Q. Do you submit to its being set down, that it is your opinion, when the thing is contrary to your opinion?

A. I have answered that already, and can only give the same answer; where I have in many cases seen a number of gentlemen that were of a different opinion from mine, and where the thing has been of a trifling nature, I have given up my opinion; I have said, let it go as you please.

Q. Then how is it possible for the Court of Directors, to whom you made that recommendation, to know whether it was the unanimous opinion of the Council, or not?

A. There were, I believe, a great number of gentlemen that signed it; I do not recollect the exact particulars, it is a great while ago; if it is thought even a fault in me, I do not mean to hide it from the Committee; in the mode I have acted, I do not feel myself ashamed of it.

Q. Who is the fourth Captain of Greenwich Hospital?

A. I cannot say; I have never seen him, I believe.

Q. What is his name?

A. I do not know, as he has never been among us.

Q. Is it Captain Cook?

A. I think it is not, I only speak upon hearsay, I don't say positively; there has been no Captain appeared since Captain Maplesden was appointed Lieutenant-Governor, which made a rise up of the Captains. I have never seen any person that I recollect.

Q. Did you never understand that Captain Chadds was under an obligation to give up his station in the Hospital, if Mr. Cooke returned?

A. I have heard that in conversation, but can say nothing certain as to that.

Q. You do not know any thing of Captain Cooke's having resigned to Captain Chadds upon that condition?

A. I know nothing about that.

Q. When you was present at the measuring of the linen, you said you stood at one end of the measure, and Captain Chadds at the other; did you, upon that measuring, find all the linen to be of the regular standard of the Hospital?

A. No, certainly not, I did not expect to find it; but if your Lordships will permit me to refer to a note, which I took at the time, I will acquaint your Lordships, how I found the measurement, one thousand two hundred and ninety sheets that I was at the measurement of myself, and then I signed a paper, which is, I believe, before your Lordships, with respect to it, I have a note, I put in my book at the time, that I cannot without looking at that, be particular.

Q. Look at your notes?

A. (*Refers to his notes.*) On March the 27th, and the 29th, 1779, Mr. Godby called on me, and begged

it as a favour, that I would go with Captain Chadds and Captain Lynn, himself and the Clerk of the Cheque, to measure some linen; I saw measured one thousand two hundred and ninety sheets, there were sixty, one nail over the standard; ten, two nails over the standard; one, a quarter of a yard over the standard, six hundred and fifteen were agreeable to the standard; three hundred ninety-five, one nail under the standard; one hundred and sixty-eight, two nails under the standard; thirty-five were three nails under the standard; six, four nails under the standard, making in the whole, one thousand two hundred and ninety.

Q. Were any of the shirts measured at the same time?

A. Yes; I was at the measuring of five hundred shirts; I believe it was the next day; the standard length of the shirts, I understand to be one yard, a nail and a half, there were two hundred and twenty-eight agreeable to the standard; two hundred and six, were half a nail under the standard; fifty-eight, one nail and a half under the standard; eight, two nails and an half under the standard, that made up five hundred.

Q. Were there any over the standard?

A. There were not.

Q. Have you ever been present at the measuring any linen, in any former year?

A. No; I never was called upon; I was asked upon this occasion; we went to various parts of the Hospital, we went to the Infirmary to both the Matrons depositories, where they kept the linen, where they took them down promiscuously, and Captain Lynn, who was one of the gentlemen that was with us, he acted as Secretary, as a cheque upon the other, and one of Mr. Godby's clerks at the other table took down, and when they had done, it was in our presence summed up and compared, whether they were right or not, and what I have read to your Lordships is the result of the examination.

Q. Were they new shirts or old?

A. Old shirts.

Q. You say the standard is one yard, one nail and an half?

A. I think so.

Q. When you say the word standard, that I understand to be a good standard measure for a middle sized man, or a tolerable sized man?

A. I understand it to be the measure that has always been allowed.

Q. Do not you apprehend, there requires more or less, according to the tallness and size of the men?

A. There is likewise extraordinary shirts allowed, where there is a greater quantity of linen in the shirt; where a man proves a very tall man, they are so exact, that if a tall man comes into the ward, where a short man has been, and his shirt, which if he is a very short man, he must have it reduced from the standard I imagine; so he has nothing else to do, but to go to his nurse, and tell her, that shirt is too short for him, she carries it to the Steward's Office, and it is changed immediately for another that fits him, that has been the practice all the time I have been in the House.

Q. Had it been the practice before Captain Bailles book came out, to send for the officers to see the linen measured?

A. No, I never heard that it was.

[Lieutenant Moyle withdrew]

Sir JOHN FIELDING called in.

Q. Did Lord Sandwich send to you immediately upon the news of the fire at Greenwich?

A. Yes.

Q. What directions did he give to you?

A. He wished to have the matter enquired into, and I then told his Lordship what I thought would be very proper steps to be taken for that purpose;

and he directed the Secretary, Mr. Stephens, to take down those directions; those directions, to the best of my recollection, were, that the Governor of Greenwich Hospital be desired, to collect all the parties that were upon the spot where the fire took place, the day before the fire happened; and that he should also collect all the people that came to the fire, at the first appearance of it, and have all those people ready together, that they be examined at a day affixed, which was I believe, a day or two after the fire, so that the directions in reality were given by me, and not by my Lord Sandwich,

Q. In consequence of that, did you make a strict enquiry into the matter?

A. I did, as elaborate an enquiry as ever I made in my life, and founded upon the horror I had of such a transaction, for it was represented to me, before I enquired into it, as if it might have been done maliciously.

Q. How many days, or what time did that enquiry take you?

A. The enquiry of the people in the Hospital took two days, the subsequent enquiries, for we were not content in taking the facts as they stood, but we went farther, and even pursued every little hearsay; of any old nurse, or any drunken pensioner, or whatever had been said from time to time; the enquiry continued about a fortnight, but two days only at Greenwich; afterwards the persons were sent up to me by Sir Charles Hardy; whenever there was any thing to be enquired into, they sent the parties up to me; they were all examined upon oath, and all the essential parts of the examination were taken in writing, and signed by the parties.

Q. Do you know whether the Captain of the Week, and the Officers of Greenwich Hospital, were examined upon oath?

A. The informations are in the hands of the Secretary of the Admiralty, Mr. Ibbetson, that will show, I do not immediately recollect all the names of the Officers, but being acquainted with one of them, I particularly recollect, that the oath of Captain Allwright was taken; the mode we took was this, I considered that the fire must have arisen, either from accident, from interest, or from malice, and to those three points every person was examined; they were suffered first to tell their stories, and if they knew nothing that I thought was matter of importance at all, we did not take it in writing, only took loose minutes of it and they are in the hands of Mr. Ibbetson.

Q. Upon the whole then, did you do every thing that was in your power to investigate that matter to the bottom?

A. I am sure, before such a respectable body as this, it would be vanity in me to say, what enquiry I did make; but I believe all the parties that heard it were satisfied, I was acting the part of an upright man, and a good magistrate; and I did every thing in my power, and am satisfied that the affidavits, when they come to be read, will convince every Member of this Honourable House.

Q. From this examination, where did it appear that the fire had arisen?

A. There is an apartment called the Taylors shop; this apartment goes out of the regulated part of the Hospital, called the Duke of York's ward, up a few steps, into this Taylors room; it appeared satisfactorily, as will appear from the informations, that it did not break out in the Taylors shop, for the proof of putting out the fire is so well established, and the proof of people being in that room, when the fire was discovered, is equally so well established, that it was morally impossible that that fire could break out in that close shop; the fire from the evidence, will appear to be under this Taylors shop, there the seat of the fire was, and there was no fire at the time when the fire was under the shop, no appearance of fire in the shop, that appears clearly to demonstration, from the nature of the evidence*.

* See Lieutenant Kerr's evidence, page 68.

Q. What

Q. What was the place under the shop?

A. The cieling under the floor of the Taylors shop covers over, with some little distant space, the alcove of the altar piece; for, in order that we might investigate this matter with exactness, which is a thing of very great consequence, Mr. Mylne, the Surveyor there, a very ingenious man, as I could not see objects so well, he made a model of the under part of the floor, covering over the altar piece, where the fire evidently was seen.

Q. What sort of a place did you say was under the Taylors shop?

A. First there is a floor, then under that a vacant place not used for any purpose whatever, but covered, over the alcove of the altar piece, in the Chapel, which is situated almost all the way under this Taylors shop.

Q. Where did it appear that the fire began, in the alcove of the Chapel, or in what vacant place?

A. It did not appear from any circumstance or fact, that we could support, that we could form a real fair conjecture, that it arose from accident, from the Taylors shop, from interest, or from malice; now from interest, we had a strong presumptive evidence it might arise from that quarter; and that from this principle, the Contractor for making the cloaths, is, as I found, a mere Contractor for labour, and therefore was not necessary to be a man of property; indeed, he turned out to be so low life a fellow, that he could scarce find money to pay his men; but he was obliged to find very ample securities for the property he was entrusted with; now, before this fire happened, he had near 500 suits of cloaths, ready made, that he was to deliver out; the cloth had been given out to him by the proper Officers of the Charity; therefore, it was imagined, that if he did not account for this cloth, and the cloaths being in the House at the time of the fire, that he might have embezzled the property entrusted to his care, and have done this maliciously, in order to conceal his own villainy; but upon pursuing that enquiry upon the principle of interest, it appeared very clearly and satisfactorily, that all the property of the Hospital was in the Taylor's shop the night previous to the fire. From an apprehension that he might have done something of this sort, the Governor was kind enough to have patterns of all the different cloths delivered to him, and they pursued the enquiry throughout all the Pawnbrokers of London, to see if any thing of that sort had been pawned; so that it turned out clearly, that there was no motive of interest in this Contractor to do this villainous act.

Q. What did it appear then, from this examination, was the cause of the fire.

A. No cause could be assigned, for it remains now in as much a state of obscurity, as it did at the first moment; and perhaps may be a great while, and perhaps for ever.

Q. At what time of the day was the fire first discovered?

A. I think about six in the morning.

Q. Were there any people at that time at work in the Taylors shop?

A. No, the circumstance was this; I can remember it exceeding well; when we came to enquire into the people, who went to this shop in the morning for the key, entrusted by the Contractor with his servant, he went to town that night; a boy, a sort of an apprentice or clerk, or something of that kind, sent with the journeymen, in order to let them into the shop, and upon going into the shop, those six steps that lead from the Hospital to the Taylors shop, have a door at the top, and a door at the bottom; when they unlocked the door at the bottom, the smok then came out from between the chinks of the door, that lead up to the upper door; so that it was a little passage between two doors, one directly leading into the shop, the other directly lead-

ing out of the Duke's ward to those steps; when they opened the first door, there was such a violent smok came from under the steps, that they were not able to get up; but however, one or two men, whose informations were taken, did get up, went into the Taylors shop, one with a candle and lanthorn in his hand, walked round the shop, and saw no fire; upon this discovery the proper Officers attended, proper alarms were given, and every thing was done that was necessary upon the occasion, but as the fire was under the shop, and they did not rip up the steps immediately, to see where the seat and origin of it was, till such time as it was got to such a height, to conceal the origin of the fire, which was never discovered.

Q. Who were those men that went round the shop with a candle and lanthorn in their hands? Were they the Taylors?

A. There was a Boatswain and a Taylor, and two or three indifferent people; it is proved very substantially by three or four different evidences.

Q. Was there not a woman that swore that the fire was seen in the Taylors shop?

A. There was a woman that spoke from hearsay evidence, which, when traced up, came to nothing, that a man had been seen smoking in the shop a long time before.

Q. It was hinted to you, that it might be set on fire maliciously; who hinted that to you?

A. I forget that; the three persons who were present, when I first heard of it, were Mr. Stephens, Mr. Cooke, and my Lord Sandwich; but there were no hints from them, but the conjecture rather arose to my own mind, from the history they were giving of some great disputes that had been in the Hospital. It is natural when enquiring into the cause of a thing, to see what motives were likely to produce it; I had not heard of this dispute about Captain Baillie at this time; but when they mentioned to me that there were disputes in the Hospital, that it might possibly arise from malice.

Q. You say it was not hinted to you by any of those persons you named?

A. No, my method is always to go immediately to see what motives can produce the fact, to enquire into the origin of any thing, from a conviction, that all human actions must have an adequate motive.

Q. Did the Taylors room appear to be a boarded room?

A. It was.

Q. Do you think, upon the whole, that it was neglectful or not, to suffer a room of that sort to be in the care of the Taylor?

A. It is an absurdity in itself; for any garrison, or place, to have a set of outlaws in it, or in a ship; I have had the honour to serve his Majesty on board a ship; if all the parts of that ship were under due regulation, and there was an outlawed place in the fore-castle, or down in the hold, it would be an exceeding absurd thing; and to leave a body of thirty Taylors drinking gin all day, in such a place as that, appears to me to be an irregularity.

Q. I beg you will say, whether there came out upon that examination, that there had been people in the Taylors shop late the night before?

A. No; it appeared the fire happened the morning after New-year's day; the Taylors, as they called it, knocked off the day before at three or four o'clock, to keep New-year's day, to make holiday; then it was necessary to shew who were the people that was in this place, at the time of shutting up the shop; there was the Master Taylor himself, his clerk, and one or two indifferent people belonging to the Hospital, a kind of scouts, who came there to do any little office, were all there at the putting out of the fire; and the description of the manner of putting out that fire, is set forth in their information; it was the middle of the day, there was no necessity for a candle; there were no goods packing up

up, or to be sealed; and there was no cause for any light whatever; and they carried their observations of putting out the fire to such minuteness, that after they had raked the fire out, they threw water upon the cinders when they were upon the hearth, and pulled the circular fender out, to prevent any mischief happening; so that the care upon putting out the fire, seems to me to be exceedingly satisfactory.

Q. How many people, in general, did it appear, worked in that place?

A. Upon an average, thirty. This man contracts only for labour; and, upon examination, I find they got very little out of every suit of cloaths; they only contracted for the labour and the trimmings, so that the profits arising were very low; and I do suppose, that the Taylor's employed were of the lowest order.

Q. Did it appear that they had gin there to drink?

A. It appeared, that the master Taylor used to have a keg of gin in his cutting room, and to serve it out to his men.

Q. Did it appear they used to work there by candle-light?

A. That I do not recollect; I suppose in winter time they did.

Q. You said Captain Allwright was examined upon oath?

A. He seemed to me the earliest person there that could give any account, and he is a gentleman I happened to have a particular knowledge and acquaintance with; he is a very amiable worthy man; I do myself, I may be wrong in my judgment, but I do think, that upon the difference of opinion that arose between him and a very active fellow that was there, who was going to rip up the steps and pull down all before him, that he might see the seat of the fire; he was prevented from doing it by this idea, whether right or wrong I do not say; they said, if he took up the steps, it would give vent to the fire; now if they had taken up these six steps instantaneously, they must have seen where the seat of the fire was.

Q. Who advised taking them up?

A. A spirited fellow; I think his name is Cox.

Q. Did you ever hear what is the amount of the damage by the fire at Greenwich Hospital?

A. No.

Q. You have mentioned Captain Allwright; what character does he bear in general?

A. What I know of him is this, he is a gentleman that has been protected from his early youth by the Duke of Bolton, and I have seen him hundreds and hundreds of times at Chatham with the Duke's relations, and I always considered him as a very amiable, modest, worthy man; he did apply to me two or three years ago, together with Lieutenant-Governor Baillie, in order to prosecute some men that had been guilty of some robberies in the Hospital; and Captain Baillie and Captain Allwright carried on their prosecutions with a great deal of spirit and propriety. I never saw Captain Baillie but at that time in my life, but Captain Allwright I have known many years; he is as amiable a man as I ever knew in my life.

Q. And is Captain Allwright likely to side with a man that is causing great disturbances in the Hospital?

A. He seems to me the contrary; he appears to be a man of a tranquil temper, a polite well-behaved man.

Q. You could give credit to his opinion?

A. As soon as any man I know.

[Sir John Fielding withdrew.]

Captain CHADDS called in again.

Q. Lord Dudley. Whether you know any thing of a dispute and a quarrel between two gentlemen

of the Hospital; one a military man; the other, in the civil employ?

A. I do.

Q. Who are they?

A. Lieutenant Smith and Mr. Mylne, the Surveyor of the Works.

Q. Can you tell us any thing that passed upon that occasion?

A. One morning last summer, Lieutenant Smith sent to me, and desired to speak with me; I accordingly went to him; he told me he had had some difference the night before with Mr. Mylne, and would be glad of my advice how to act upon it; as I was a Military Officer, and he was a Military Officer, I told him to relate his story to me, and I would give him my advice very cordially; he said last night we were at the club; the subject was Captain Baillie's book, which was the cause of this disturbance; they had some altercations there upon it; I was not present; this is as Lieutenant Smith told me; when the club broke up, they withdrew; Mr. Mylne was going to his apartments along with another gentleman.

Q. Be so good as to confine what you say, to tell us what part you had in making up this dispute?

A. Mr. Mylne was going to his apartments; Mr. Smith followed him; Mr. Smith came up with him, close to his apartments; they had some altercations there; this is as Lieutenant Smith said; words ensued, and then blows; which struck first, I cannot say; Mr. Mylne, I believe, was more successful than Lieutenant Smith, and knocked him down; I said, I think you are to blame, that is my opinion of the matter; for had you gone to your apartments, this thing would not have happened, for Mr. Mylne was gone to his apartment, therefore you are the aggressor by following him; I thought a challenge would ensue; and as an Officer of the House, I thought it would be a reflection upon gentlemen of that House to suffer two gentlemen to fight; I begged of Lieutenant Smith to let me interfere in the matter; he said he thought he was ill used, but would abide by what I said; I interfered; I begged of the gentlemen to pitch upon two gentlemen, on each side, and we would hear the whole story; there were three Military Officers; I was one, and one Civil: we settled the affair, made them friends; and they are so to this day for what I know, and therefore there was no complaint made by these gentlemen to Captain Baillie; and what he has said, is from hearsay; it is a point of honour; we made them friends, and they are friends to this moment.

Q. He did not repeat it to you as if it was any quarrel between the Civil and Military?

A. None, in the least; I was not present; I understood it was disputing about Captain Baillie's book, which threw every body into confusion in the Hospital when it came forth; I never knew of any quarrel in the Hospital till that book did come forth.

Q. After you had made this matter up, you understood it was a thing to die?

A. Entirely; I never heard it mentioned from that time, till I heard it mentioned at your Lordships Bar, that a Military Officer was knocked down; I thought it my duty to prevent their quarrelling.

Cross-Examination.

Q. I shall beg to know whether it appeared from your examination that Mr. Mylne struck first, or Mr. Smith?

A. Upon my word and honour, I believe neither of them knew who struck first; they had words, and blows ensued immediately; I never heard them say which; however, the affair was made up with honour to them both, as gentlemen, and they are friends to this moment; I gave Lieutenant Smith my opinion; I thought he was wrong, and I believe he thought so himself; if he had gone to his apartments,

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ments, there would have been no blows; they are both respectable gentlemen in their characters in the Hospital.

Q. But it is material to know whether an Architect or Clerk of the Works is to take upon himself to strike an officer?

A. If an Officer will follow an Architect, or a Civil Officer, I think that Civil Officer is to defend himself, as I said; if that Officer had gone to his apartments, this matter would not have happened.

Q. I asked you a plain question; which struck first?

A. I don't know which struck first; but it appeared to me that Lieutenant Smith was the aggressor, because he followed him to his apartments; they both were reconciled, and shook hands.

Q. Whether you imagine that either of them wished the matter ever to be mentioned again?

A. Never did; for we were bound in secrecy; the gentlemen that made it up, we looked upon it a point of honour; if we made them friends, that is enough; they both shook hands, and were contented.

[Captain Chadds withdrew.]

JOHN MORGAN, Esq. called in.

Q. Please to inform the House what you know respecting the pretensions of the butchers for serving the Hospital with bull beef.

A. I trust your Lordships will permit me, in the first instance, to give a full answer to the question; for this reason, that many great and gross reflections have been thrown out against the whole Board of Directors respecting their conduct in the prosecution of Mr. Mellish, the contracting butcher.

Q. Be so good as merely to relate the facts relative to the prosecution of the butcher?

A. My Lords, the opinion of the standing Court of Greenwich Hospital was taken with respect to the mode of proceeding against Mellish; that opinion was laid before me as a Counsel for the Hospital, and as a pleader for the purpose of drawing a declaration, or two declarations, against the Contractor; the opinion of the standing Counsel was, that the proceedings should be taken upon the Board; there are two contracts; the one entered into in 1774; the other in 1775; one of the Boards was made to Mr. Hicks*, and others; the second Board was made to Sir Charles Hardy, and others; in consequence of the Boards being so made, the complaints could not be consolidated into one action, but must necessarily be divided into two; I drew one, if not both the declarations, and I think that was in Hillary Term; the utmost expedition that I could use, was used upon that occasion; the declarations were both delivered in both suits, in Michaelmas, according to the information which I have received, and do not doubt to be true, for pleading was obtained by the defendant; that the original declaration stated merely the bonds, without taking notice of the conditions, being the usual mode of pleading, it was incumbent upon the Defendant, when he gave an answer to the charge against him, first, to state the condition of the bond; I am speaking now in each action; the condition appeared to be for the performance of the covenants in articles; the Defendant then stated those articles in each action; when I am speaking of one, I beg to be understood as speaking of both. When he stated the articles, he had no other answer to give, but that he had fully performed his covenants; the covenants related to providing the Hospital with the best fat ox beef, and I think the best weather mutton; but, in fact, the various kinds of meat to be provided by the Contractor, were to be of every kind the best; one of the bonds was in the penalty of 300l. the other, in the penalty of 500l. the pleadings of course, on the behalf of the defendant, were long; when the defendant had delivered in

his pleas, they were laid before me, with instructions to draw replications, and then it was essentially necessary to consider the true nature of the case, and what was best to be done for the Hospital. When I came to consider the true nature of the articles that were stated, I found what I conceived would be a vast advantage to the Hospital; for I discovered, that notwithstanding the complaints had been said to be made innumerable, yet at the same time that there was very little evidence; and I was perfectly convinced, that if in replying I assigned my breaches generally, and left it to the Jury to ascertain the damage, that the Jury would not have before them evidence sufficient upon each of the breaches, that I could assign to give ten shillings damages; but in attentively considering the articles, I found there was a clause which I thought might be turned to apply to the case in question; that is this, that upon every breach, the defendant should forfeit ten pounds each breach; I thought my best way was to assign my breaches, and assign likewise upon my replication, that the defendant had forfeited 10l. upon each breach; we had a consultation with Mr. Wallace; he was of opinion, that the action, upon the last contract, should be first tried, because there was much better evidence to support the action in that case than in the other, and therefore it would be most eligible for the Hospital to try only that one; the Defendant obtained time, and a variety of delays unavoidably ensued, which the Solicitor for the Hospital could not by any means avoid. At last, one of the causes came to be tried at Guildhall, by a Special Jury, before the noble Lord that presides in the Court of King's Bench. Upon that trial, evidence was given of ten breaches having been made; there was some slight evidence of an eleventh breach, but not sufficiently strong to go to a Jury; the Jury gave upon each breach 10l. that made 100l. in that action, exclusive of the 100l. damages; the Defendant paid costs, 108l. 10s.

After this the Directors gave orders to proceed in the second action upon the first Contract; many difficulties ensued in collecting evidence, by a variety of delays that it was impossible to avoid; that cause continued for some time before it came to a trial, it afterwards came on to be appointed in the vacation, which was so extremely short, that the cause stood postponed, and when my Lord Mansfield was moved to appoint a day, there arose a circumstance concerning which something has been said that renders it necessary for me to explain the transaction, as far as is within my knowledge; I do not mean to pay a compliment to any noble Lord in this House; but ever since that Lord has presided in the Court of King's Bench, it has been an invariable rule of conduct with him, to do every thing in his power to prevent the subject from being harassed and oppressed with unnecessary suits, we have daily instances of it in actions brought upon policies of insurance, in proceedings brought against officers of corporations, by quo warranto, where the determination of one cause will determine many, to postpone them all till the determination of that one cause, and rest the issue of all upon that one cause.

Q. Please to answer the question as precisely as you can?

A. I was going to assign a reason for the second action being compounded; Mr. Dunning, the Counsel for the Defendant (I need not pay him a compliment in saying, that his honour and humanity are equal to his abilities) upon its being moved to appoint a day for the trial of that cause, upon Lord Mansfield asking, What the cause was? Mr. Dunning, with a great unaffected warmth, considered the prosecution of the second cause as a *persecution*, by way of resentment, and not done with a view to justice; a hint dropt from the Bench, that as justice had already been done, and they had been severely punish-

* A servant to the Hospital; the Sixpenny Receiver.

ed, and as he had made an offer to pay a sum of money, and to pay all the costs, the ends of justice might be obtained; and, in fact, as I understood it, a hint that it was more adviseable, for the sake of justice, to compromise the suit, than for any other reason; upon that account, when we came into Court, as the Directors, upon application to them, said, let the Counsel for the Hospital do what shall be thought best, with the approbation of the Court, the Defendant's Council undertaking to pay 100l. and all costs, that second suit was compromised; the costs in that suit came to 209l. the whole damages came to 603l. 10s. 0d. and, I suppose, the Defendant's costs came to 300l. more; and I beg to say, that the causes were carried on to the best advantage for the Hospital, and with all the expedition that they could be done with.

Q. Were the actions properly laid?

A. I conceive they were, and properly passed in every respect.

Q. Were the proceedings carried on in a desultory manner?

A. I think not.

Q. And you think the prosecution was effectual?

A. Not only effectual, but the best that could be had upon the occasion.

Q. You have said the suits were carried on with all possible expedition?

A. The causes were commenced in Trinity Term, 1775.

Q. The whole time, how long might it be?

A. The last cause was tried, I believe, in Trinity Term, 1777, that was two years; I have told your Lordships, that one of the suits was suspended, by the advice of the Counsel for the Hospital.

Q. When that last suit was prosecuted, there were five witnesses in Court to prove the fifty penalties, I believe?

A. The Defendant, as I stated before, gave 100l. which amounted to ten penalties; and, in my own private judgment, had we gone on and tried the cause, we should not have recovered fifteen.

Q. What was the reason for that?

A. I assigned fifty breaches; but the witnesses that were to give an account of the transaction, and to give strict and legal evidence before a Jury, had not been particular in the accounts they had taken, and could not speak to many of the days, when they might have been delivered, with precision; they could not specify particular days, except to very few of the breaches.

Q. That article for the forfeiture of 10l. for each breach of the contract which you think was not intended to apply to that particular case, but that you ingeniously turned it to that; what was that inserted for, do you think?

A. I conceive the article was intended as a general one; but it did not strike me, that the words applied to this particular kind of breach; because, in that article, there is a provision, that the Hospital disliking any of the meat may return it, and go to market and supply the Hospital with other provisions in lieu, and the Contractor is to make a deduction out of his account for it; and it did not appear to me, that the case in question immediately applied to this particular kind of breach of contract; I should rather conceive that that was intended where the Contractor, in times of scarcity, and finding meat at a much higher price than he had contracted to supply it for, might hang back and not perform his contract, that I considered the penalty was intended against him more in that respect than any other.

Q. You apprehend, that the 10l. penalty was for each failure of his contract?

A. And so it was applied, upon this occasion, and the Jury gave us a verdict.

Q. But you did not think justly?

A. I had my doubts about that, but thought it might be applied to the point, and it answered my purpose.

Q. Upon the second trial, in Guildhall, I think you said, that the Chief Justice, Lord Mansfield, before whom it was tried, said, this was a persecution, and not a prosecution?

A. I neither did say, nor could mean to say, that the noble Lord said that; but that Mr. Dunning, of whose honour and humanity I spoke, took up the matter with an unaffected warmth, and he considered it as a persecution.

Q. Do you take upon you to say, that Lord Mansfield said, from the Bench, that it would be more for the end of justice to compromise it?

A. No, as I understood it, that the ends of justice had been sufficiently answered already.

Q. Did you mean to say, that it was dropt from the Bench or not, that the ends of justice would be as fully obtained?

Q. Not expressly said in terms; but I understood the hint that dropt from Lord Mansfield, that all the circumstances of the case considered, it might as well be compromised as tried; that the ends of justice might be as well obtained, was what myself subjoined. [*Here Mr. Gurney was called upon to read his short-hand notes, by which it appeared, that Mr. Morgan had, in the former part of his evidence, made Lord Mansfield say, that it would be a persecution, and not a prosecution; but as Mr. Morgan said, he had, through mistake, misstated that fact, he was permitted to re-state it, and it now stands upon the Minutes as the witness said he meant to express himself.*] A very little from my Lord Mansfield, to those who know him in his judicial capacity, conveys to his hearers a great deal; my Lord Mansfield said but little; and the representation made by the Solicitor to the Directors did, in my opinion, convey very properly the idea that he entertained of what had passed; and that was this, that my Lord (I think the expression is) seemed to hint, that under all the circumstances of the case, might as well be compromised as tried; I think that was the representation was made by the Solicitor; that was what I considered my Lord Mansfield had said; but very little, but in the very little he did say, I understood a great deal; and I have not been attempting to state to this House, a long conversation of Lord Mansfield, when I do not know that he dropped half a dozen words upon the subject; therefore I have been misunderstood; when I have been giving my own construction, your Lordship has thought I was giving Lord Mansfield's words.

Q. Was you in Court yourself, or did you take it from the Solicitor, what Lord Mansfield said upon that subject?

A. I was in Court.

Q. What was the result of what Lord Mansfield said upon that occasion?

A. A hint from Lord Mansfield, that under all the circumstances of the case, the second cause might as well be compromised; upon the cause coming on to be tried, something like a question dropped from Lord Mansfield, if that cause was not mentioned, something like it; upon which Mr. Wallace, in answer said, that the Directors thought, if they compromised it of themselves, without the approbation of the Court and Council, that it would look like extortion; upon which Lord Mansfield said, "No, nothing of that kind." The Council of the Hospital thought it adviseable to compromise; I was of that opinion, that the man had been sufficiently, and it was my own opinion, more than sufficiently punished; it can have cost him, in the whole, little less than 300l.

Q. Is that the whole of hints, that you understood from Lord Mansfield, given in so few words, which you understood so largely?

A. That is the substance.

Q. I think you have said, that it was your opinion also, as Counsel for the Directors, that the butcher who had been convicted of one wicked act before, should not be convicted again, because it would be persecution?

A. I am afraid my opinion is not properly understood; I think it is tantamount to conviction, when

a man

a man agrees to pay 100l. and costs, which amounted to near 300l. that that opinion was not ill-founded; and that it was not the duty of the Directors, in a case of this kind, to seek the *summum jus*; they had made an example of him sufficiently.

Q. In the first cause or the second?

A. In the second, in my opinion; for the Jury was sworn, and the man was put to as much expence as he could be.

[John Morgan, Esq. withdrew.]

Doctor TAYLOR called in, one of Lord Sandwich's witnesses.

Q. How long have you been in the Hospital?

A. Between thirteen and fourteen years.

Q. Who appointed you?

A. I was appointed in Lord Egmont's time.

Q. Do you conceive the Infirmary to be a good establishment?

A. The Infirmary is, of itself, one of the best Hospitals in this country.

Q. How many pensioners will it hold?

A. Between two hundred and forty and two hundred and fifty.

Q. Will it, upon an average, hold all the sick of the Hospital?

A. It always has done it; and we have had room enough to shift the people.

Q. Is it designed to hold both the helpless and sick, or sick alone?

A. It will hold only the sick alone.

Q. Do you attend the examination of people who are candidates to be admitted into the Hospital?

A. It is my duty to be present at the Admiralty of every examination of invalids.

Q. Who attends?

A. Lord Sandwich, since he has presided at the Board; he has always attended and examined the invalids, when he has been in town.

Q. How are they admitted?

A. They bring certificates of their servitude, and they are admitted by the length of their services, and by infirmity. Those that have had long service, Lord Sandwich generally puts upon short lists; and those that have accidents, they are put upon a short list; those of less merit and service are deferred.

Q. Does it appear that they are preferred by favour or by merit?

A. Lord Sandwich makes it a rule to destroy all recommendations before he examines the parties. The examination, in his Lordship's time, has been as impartial and attentive as any I ever saw.

Q. Could the admission of pensioners be better regulated than it is?

A. I think not; there has not been a landman got into that Hospital ever since I have attended, but those who have served at sea*.

Cross-Examination.

Q. If you recollect making any representation concerning any bad veal for the sick?

A. I remember some very bad veal one morning being brought into the Infirmary; I saw it, and recommended the Cooks to carry it to the proper Officers; it was very indifferent, but it was not putrid; it was fresh.

Q. Was the colour good?

A. It was in all respects bad veal.

Q. Did you ever find the butter bad?

A. No. I have very seldom had any complaints about provisions: there has been complaints, I know, at one time, about some butter; but I don't know whether it was in the Infirmary or in the Hospital.

Q. Did you never send a quantity of bad butter to Lieutenant Smith, or Captain Chadds, for their inspection, which your patients could not eat?

* It is presumed he does not speak of Officers or petty Officers, which is of infinitely more consequence.

† This is not a fair comparison, because Mr. Cipriani can earn as many guineas in a day, as the person who was employed can half crowns.

A. I have forgot that circumstance; it is very possible I might; but it is a long time ago.

Q. Was the same sort of beef supplied to the men in the Infirmary that was furnished to the pensioners in the Hospital?

A. I believe the same sort; I never heard any complaint of the beef in my life.

Q. Did you ever complain to the Directors of the defective state of your house in the Infirmary?

A. We wrote a letter to have our house refitted; we have been eleven years in our houses, and there has been nothing done to them in that time; that was a general letter wrote to desire that they might be repaired and the wainscot might be put to rights, and the painting refreshed and white-washed.

Q. Was there nothing done to them but painting and white-washing?

A. They are repairing them at this time; repairing the wainscot, painting and white-washing it, and laying some of the floors.

Q. Did you complain of Captain Baillie's printed Case?

A. I signed the complaints against Captain Baillie.

Q. Did you complain, at first, with the other Officers, or afterwards?

A. When the book came out, and I found reflections thrown out against the physical people, as well as other classes, I then signed both the first and the last.

Q. Are you one of the Council of the House?

A. No; I have nothing to do with the Council.

Q. Has Captain Baillie made any reflections upon you in the Case of Greenwich Hospital?

A. He charges the faculty, I think, with partiality; he calls us factions; these charges I do not understand.

Q. Do you think it possible that bull beef could be received for ten months, instead of good fat ox beef, if the Clerk of the Cheque and the Steward's Clerk had done their duty?

A. I think it impossible they could be served with bull beef in that time.

Q. Do you imagine they were not served with bull beef during that time?

A. Yes; I imagine they were not.

Q. Did you attend the trials?

A. No, I never did.

Q. Did you not hear it had been made appear there, upon oath, that they were served for ten months with bull beef?

A. I cannot think it possible that they could, because I never heard any complaints among the people; and I think I should, if it had been so.

[Doctor Taylor withdrew.]

JOHN BAPTIST CIPRIANI called in.

Q. Lord Chesterfield. Do you know the terms upon which the Painted Hall was cleaned at Greenwich?

A. I did not but lately.

Q. You know it now?

A. I do.

Q. Was the bargain of cleaning it a good bargain on the side of the Hospital?

A. I think it is very reasonable†.

Q. Was the cleaning of the Painted Chamber at Whitehall upon better terms?

A. Much dearer; but I did not think myself well paid.

Cross-Examination.

Q. How long have you been acquainted with the painting at Greenwich Hospital?

A. Very lately.

Q. Did you ever see them before they were cleaned?

A. I did.

Q. How

Q. How long ago was that?
 A. I believe it is nine or ten years ago.
 Q. Was there ever any scaffolding made by which you could examine them so near as to know what repairs they would want?
 A. There was no scaffold at all at that time.
 Q. Where did you see them from?
 A. From the bottom.
 Q. How high is the Hall?
 A. I cannot tell exactly the dimensions; but it seemed to me very high.
 Q. Is it thirty feet high?
 A. Thereabouts, I should think.
 Q. At that distance could you be a judge of what repair they could want?
 A. As I did not go as an examiner, I did not take particular notice of that.
 Q. Then, at that time, did you form any judgment of what it would cost to repair the paintings?
 A. I did not think of it.
 Q. From that time when was the next time you saw the Painted Hall?
 A. Last Sunday se'nnight.
 Q. That is since it has been cleaned?
 A. Yes.
 Q. Did you go up to the ceiling, or then examine it from the floor?
 A. From the floor.
 Q. Did you ever measure the Painted Hall, to know what quantity there is of it?
 A. No, I did not.
 Q. Do you know, with any degree of accuracy, what work was done upon it?
 A. I conceive, a great deal.
 Q. Have you any foundation for that conception?
 A. I have.
 Q. What is it?
 A. I have tried, myself, this kind of repairing at Windsor Palace, and I find a great deal of damages, which I am obliged to re-paint over.
 Q. Do you know whether there was in this instance a great deal of damage?
 A. I cannot tell that, as I did not go before with the eyes of examining the work.
 Q. Do you know whether any part was painted over again?
 A. It is almost impossible to tell that, when it was well done, and I think Greenwich Hospital has been extremely well repaired.
 Q. Do you know whether any part of it has been re-painted?
 A. As far as my eyes could reach I could see.
 Q. I think you have said that the chapel at Whitehall was repaired?
 A. Yes.
 Q. Did you repair that?
 A. I did.
 Q. What was you paid for that?
 A. For myself I was paid 400 guineas, and all the expences including the whole, amounted to near 700l.
 Q. Was the scaffolding included in that 700l?
 A. No, that was built by the Board of Works.
 Q. Who are the paintings done by in the Banqueting-house?
 A. By Rubens.
 Q. Who are the paintings done by in Greenwich hall?
 A. Sir James Thornhill.
 Q. Do you know how many feet there are in Whitehall Chapel?

A. I do not know.
 Q. Which is the largest quantity of work?
 A. Greenwich Hospital, ten times larger, in proportion.
 Q. Do you know Mr. Bertles?
 A. I do not.
 Q. Did you never hear of such a man that deals in pictures?
 A. No, I do not know him.
 Q. Lord Chesterfield, Whether you do not think that if the cleaning of the pictures at the Painted Hall at Greenwich, had been put into improper hands that great damage might be done to them?
 A. My opinion was, that it was a very lucky circumstance that they were so well repaired, as it is one of the best pieces of work that this nation can brag of; and I think it is well repaired.
 A. Whether you know Mr. Greenwood?
 A. I know him by sight.
 Q. No otherwise?
 A. No otherwise.

[John Baptist Cipriani withdrew.]

Mr. LEFEVRE called in.

Q. What do you know of the quarrel between Mr. Mylne and Mr. Smith?
 A. I remember hearing in the evening that Mr. Mylne and Lieutenant Smith, had a quarrel; I can only speak of what I had from Mr. Smith, the next morning.*
 Q. Was you made a Lieutenant through the interest of the Rev. Mr. Cooke?
 A. I fancy not, if I had, I dare say Mr. Cooke would have told me of it; I should suppose from different motives intirely; I was many years a Midshipman, though I had an exceeding good friend, one of the first men in the service, who is since dead; but my father despairing of my getting a Lieutenant, was desired to purchase some votes in Huntingdon, I was not at home at that time; I did not come home, I believe, for near two years afterwards.
 Q. Who did your father purchase those votes of?
 A. One Collins, a contracting carpenter for the Hospital at Greenwich, I believe.
 Q. What countryman is he?
 A. I believe an Huntingdonshire man.
 Q. Whether you ever offered any living to Mr. Cooke?
 A. Entirely the reverse, if it was the last words I have to say, I declare entirely the reverse; I remember particularly well that about the middle of the year 1777, Mr. Cooke said he should imagine that upon such an estate as Mr. Calcraft's, there must be an exceeding good living; I said there was; he said provided he could get such a living, he would go and retire upon it, and said he was certain my Lord Sandwich would place his brother in his office; I said that living he could not possibly get, for that the reversion of it was given away years and years ago; it was given away before Mr. Calcraft's death; I shewed Mr. Turner the will, who could have told Mr. Cooke the same thing, and I have not the least doubt but what he told him so.

Mr. LEFEVRE withdrew, and the EVIDENCE CLOSED.

* Here his evidence was stopt.

U

S P E E C H

OF HIS GRACE

THE DUKE OF RICHMOND,

IN THE

HOUSE OF LORDS.

Die Jovis, 8^o Junii, 1779.

My Lords,

AS I was the person who moved your Lordships to undertake the Enquiry into the Management of Greenwich Hospital, it will, I imagine, be expected, that I should submit to the House some plan to be pursued in consequence of the information that has been laid on your table, and of the evidence given by the witnesses who have been examined at your Lordships bar.

This enquiry has lasted so long, and has of necessity been so frequently interrupted, that I fear it becomes indispensable for me to recall to your Lordships memory the grounds on which I first ventured to engage your attention to this business. I fear it will be likewise necessary for me to observe on many parts of the evidence now before the House, and to select from the very voluminous and various matters which have come out, such parts as apply to those objects which strike me as deserving the attention and interposition of Parliament.

Your Lordships have with great patience attended this examination for above two months; and although I hope our labours are now drawing toward a conclusion, yet I fear I must to-day rely on your Lordships indulgence, for taking up somewhat more of your time in this, not the least important part of the business. It therefore gives me peculiar concern to delay for a moment the weighty consideration of what may be necessary to be done for this great and useful charity, by any matter relative to myself. But as great and incessant pains have been taken, both here and without doors, to misrepresent not only my intentions, but even my words, and to give to the whole of this business a colour of pique and resentment, I trust your Lordships will, not only in justice to me, but in justice to the cause I have undertaken, suffer me to shew, that there is no real foundation for such charges; and that they are mere tricks to divert the attention of the Public from the sober and dispassionate consideration, which I wish to be given to the welfare and happiness of those, whose time of life admits of the fewest satisfactions, but whose merits deserve all that we are capable of affording them; I mean those British seamen who are worn out in the service of their country.

I am well aware of the disadvantages under which every man must labour, who engages in measures that can in any degree affect a Minister. It is no

matter whether it be to protect the injured pensioners of Greenwich, or to consider the state of the nation, on the eve of entering into a most unequal war. If the investigation can possibly affect a man in office, it must be defeated. Let the seamen continue to be ill fed, ill clad, ill used; let the nation be without a navy, without commanders; let a whole fleet of victuallers be sent into an enemy's port.—All these had better be left unredressed or unenquired into, rather than one Minister should be convicted of a job, and of a total incapacity for his office; or another of having forgot in his slumbers that he had ordered the evacuation of the place to which he sent the only subsistence of his army.

To prejudice the Public against the enquiry into the management of Greenwich Hospital, it was necessary to misrepresent the view with which it was undertaken.

To investigate the abuses of a public charity from public motives alone, was readily deemed impossible! To feel for an old seaman who is no longer of use, ridiculous! —To employ so much pains and time merely to make two thousand men live comfortably, and enjoy uninterrupted the benefits the State has allotted to them, was an inconceivable absurdity!—No, it must have a motive more consonant to the notions of those who feel themselves attacked in every attempt at reformation. It originated in malice; it was pursued by chicanery, and would end in disappointment.

Notwithstanding the most explicit declarations which I had made in the opening of this business, that I accused nobody, that I meant only to enquire, not to charge, yet your Lordships have seen how often attempts have been made, even in this House, to confound things so totally different. And, indeed, considering the great abilities that have been employed in those repeated attempts, I must rejoice that perseverance and truth have at length been able to make good their ground, against sophistry and art.

It has been argued that the foundation of this enquiry was an attack against the First Lord of the Admiralty, that upon no other ground would the House have gone into it. The noble Lord himself has said, "that unless he had considered it as such, he should not have given way to it as a Member of this House."

My

My ideas of the motives which should induce Parliament to enter on any business, are indeed very different from these. I had conceived that a nation, whose existence depends upon its trade and its navy, a nation which compelled the service of its mariners while they were young, and had made ample provisions for their retreat when old, would think complaints of abuses from a principal officer in the Hospital appropriated for their repose, more worthy the attention of the State than the concerns of any individual whatever.

Had the noble Lords avowed their sentiments at the beginning of this business, had they fairly declared, how little they thought Greenwich Hospital deserved the attention of Parliament, and of how much importance it was to the House to clear the First Lord of the Admiralty, we should have been at issue, and might have saved the House much trouble; for I trust, I know the principles of justice too well, to wish to try any man without a charge, and by a Court of Enquiry. I know that in such a proceeding, guilt can too frequently evade the evidence necessary for conviction, and that the want of evidence in such a mode of proceeding, is no proof of innocence. If, therefore, the House had determined to consider this enquiry as a charge against the First Lord of the Admiralty, and to try him incidentally in the course of it, I should for one have retired from the business.

No, my Lords, whenever I do charge any man, it shall be in a legal and direct manner. I have joined with a noble Earl (*the Earl of Bristol*) in charging the First Lord of the Admiralty with *malversation in his office*. I think the fact was proved; if with six millions more money than was voted in like circumstances, at the beginning of the last war, to have a worse fleet, is a malversation in office; and I voted with 37 other Peers for his removal—173 Commonsers have likewise voted in direct and personal questions against that noble Lord; and a time may come (I wish it may not be near at hand) when the bad effects of his mismanagement of the navy may produce a still more serious mode of trial.

But, so determined were some of your Lordships to set me up as an accuser of the First Lord of the Admiralty, in the business of Greenwich Hospital, that the expressions I used, when I moved for papers preparatory to the Earl of Bristol's motion, viz. "that the ground of that motion was *malversation in office*," were immediately transferred from the Admiralty to Greenwich. What was said upon the known and proved fact of a ruined navy, was applied to the suspicious, but then unproved mismanagement of a marine Hospital. And notwithstanding the very different ground on which I opened this business, and my repeated explanations of it, this round assertion was pushed so far, that if other Lords, as well as myself, had not particularly recollected the circumstance, I must have appeared guilty of the most gross contradiction.

My object, my Lords, was Greenwich Hospital, the welfare and comfort of veteran seamen, to whom this nation owes its former glory. Complaints, infinite in number, and considerable in degree, had been made to all the Governors of this charity. As one of them, I had received these complaints. They were not idle reports, but regularly made out by a principal officer of the House, supported by affidavits, and transmitted in a regular official manner.

The nature of many of the complaints was such as the different Boards established in the Hospital could not rectify, for the complaints were chiefly against the proceedings of those Boards. And the supreme and last powers, the General Court and Board of Admiralty, instead of affording redress, had illegally deprived the complainant of his office, after having at least countenanced his being harassed with prosecutions in Westminster-Hall.

The Charter itself which had been so materially altered from the Commission, was the foun-

tain from whence most of the grievances flowed. The effect of those alterations could not be stopped in its course by any of the Boards. The interposition of Parliament was necessary to bring back the charity to its original channel.

With a view to learn the truth of these complaints, their nature and extent, I moved your Lordships to undertake this enquiry. Captain Baillie's representation of grievances was fully sufficient to create at least a presumption that they might exist, and the repeated conviction of one of the most flagrant offenders in the Courts of Law, with the notorious subsequent employment and encouragement of the person so convicted, created something more than a presumption. If the grievances did exist, as they were of a nature that Parliament alone could remedy, it was the duty of Parliament to afford that remedy; if they did not exist, it was equally necessary that their futility should be made known, that the mistaken pensioner should be disabused, and that the alarmed public should be made easy. Whatever was to be the result, it could not proceed with any degree of satisfaction, but from a Parliamentary enquiry. All the departments of the Hospital were interested and parties concerned. They were writing libels against each other; for if Captain Baillie's book is called a libel on the officers of the House, I am sure the report of the Committee and an anonymous pamphlet, entitled *Another State of Facts*, were libels against Captain Baillie.

The enquiry therefore appeared to me proper and necessary.

If in the course of it, there should come out proof of misconduct in any officer, your Lordships might think it a ground for further proceedings in a regular manner against such person. You might direct him to be prosecuted; or you might take such other regular and legal steps as the occasion should require, and the wisdom of the House should suggest. But your Lordships would never deem any man, either acquitted or condemned, by what might incidentally have come out in an enquiry into another matter, wherein no charge was so urged as to convict, and wherein there was no hearing in defence to obtain an acquittal.

That observations should be made on what has appeared was unavoidable.

It is impossible for mankind not to form some conjectures on transactions, which may be very apparent and yet not susceptible of that degree of legal proof, which can alone support legal proceedings. Judges themselves, with all the rectitude and impartiality which ought always to accompany their characters, may have inwardly the clearest conviction of what they are not warranted judicially to pronounce. I need not say much to illustrate this point. How notorious is the sale of Boroughs! the jobs that are given to secure them! and the undue influence of the Crown in Parliament! (I mean in former times). No man doubts these facts, and yet how rare is detection! It might therefore happen, that although there should not appear any direct and legal proof against the true authors of such abuses, yet that the most plain understandings should see through their conduct.

Whatever such conjectures may have been, they have arisen from facts, not from my suggestion; nor has it been at all my object to bring them forth: My aim has been to ascertain the abuse. All consideration of marking or of punishing the delinquent has been lost in the more essential pursuit of the remedy. For although example may be the best method of preventing a repetition of crimes, yet punishment, in my opinion, is only a secondary consideration compared with the immediate redress of grievance. That this has been my main object, I trust has fully appeared. I have not once condescended to ask a witness, whether he was a Huntingdonshire voter, or deviated from my single object, which was

to ascertain the matters which form the subject of complaint.

It has been said, that although I have declared that I did not charge the First Lord of the Admiralty in the Enquiry, that Captain Baillie's book did; that his book is on the table before the House, and that therefore the noble Lord must be acquitted or condemned: But is this the method of proceeding in this House! Do we forget that the business of the Committee is Enquiry, not Trial! Captain Baillie's book is before us as evidence of charges made, laid before the General Court, but unenquired into by them, except in a most partial manner. To convert this evidence of one fact, into a charge of another, into a charge against Lord Sandwich, for which he is now on his trial before this House, is perverting every idea of common sense and of justice. Indeed, this strange notion of considering every man on his trial before the Committee for what might come out in evidence upon another matter, has been attempted to be enforced, and the ridiculous consequences of that attempt have been so glaring, that the Committee have desisted from pursuing it.—It was conceived, that a part of Captain Baillie's evidence was an accusation of Mr. Murphy, and it was contended that Mr. Murphy should read *his defence*, and comment *article by article* on Captain Baillie's *charge*. But your Lordships good sense put a stop to this proceeding. It is true that the noble Lord at the head of the Admiralty complained of *my having induced* the Committee to stop this strange procedure, which he called a hardship on his witnesses. It is new to me to have to justify myself for *leading the House*. As I stand here unsupported by the weight of office, or ministerial influence, and have had nothing to trust to, but truth and reason to persuade your Lordships, I shall continue to believe that the Committee acted properly, and remain convinced that Enquiry and Trial are subjects totally different.

I NOW come to consider what has appeared in the course of this enquiry.

And here I am persuaded your Lordships will think with me, that it is not necessary for the House to come to any RESOLUTION concerning many of the matters which have been examined into.

From the beginning, I wished to avoid giving the House the trouble of entering into too great a detail. Many points urged in Captain Baillie's book, and very proper for him as Lieutenant-Governor to attend to, were not of a kind to deserve the attention of this Committee. On these, (and they are many) no enquiry has been made. Of those which have been enquired into, many are either actually redressed by his means, or are capable of redress from the ordinary constitution of the Hospital. I shall not trouble your Lordships to take notice of these in the REPORT I shall move to your Lordships to make to the House; but in justice to Captain Baillie, in justice to a man who has taken laudable pains to point out, and wherever it has been in his power, to correct every sort of abuse, I think it right to mention how far they have been proved. Some of these abuses may perhaps appear of a mean and frivolous nature to those, who will not consider how many things there are, which, in the description, appear extremely mean and contemptible, from being of the most ordinary and vulgar use, and yet contribute, for that very reason, essentially to the happiness or misery of mankind. But I shall be satisfied, though I should afford matter of ridicule to those who have more taste than humanity, provided that by laying open the very meanest of those matters, I may become serviceable to the ease and comfort of the meanest man in the kingdom.

These abuses are.

* Wherever Captain Baillie's book is mentioned, it is meant the Case of Greenwich Hospital, which he presented to the General Governors.

† Lieutenant Kerr has sworn, that to the best of his judgment it began in the Taylor's shop; and that it was evident to every body it began there and there only. Page 68.

1st. RESPECTING THE DANGER OF FIRE.

* Captain Baillie in his book, page 68, says, "That the Taylor's shop exposes the building to accidents by fire, from the carelessness of journey-men Taylors, who work by candle-light."

Mr. Cowley deposed, that Captain Baillie had requested the Committee to enquire into this business, but in vain. Page 84.

Sir John Fielding deposed, indeed, that it did not appear where the late fire had begun; but he proved the practice of thirty journeymen Taylors of the lowest class working in the Hospital by candle-light, being supplied with gin, and not being under the inspection of Military Officers†. Page 158.

2dly. IN REGARD TO THE SHEETS.

Captain Baillie in his book, page 68, mentions the complaints of the pensioners.

Thomas Field has deposed before us, that he had measured 770 sheets in the Infirmary, and that he had found, on an average, a deficiency of upwards of half a yard on each pair, page 62.

Mr. Godby, the Steward, has contended, that they are obliged to cut the sheets shorter than the standard length of the Hospital, to prevent remnants; asserting that the length of the pieces running from 37 to 40 yards, he cut them into eight sheets or sixteen lengths. That the standard being two yards and a half for each length, they would be exact when the piece measured 40 yards, but deficient when under that length. Page 63.

Mr. Price, a Linen-draper, deposed, that Russia pieces of that sort run, on an average, to 30 ells, or 37 yards and a half; so that on the average there must be a continual deficiency from the standard. Page 69.

Captain Baillie in his evidence says, that if these pieces of 37 yards and a half were cut into fifteen instead of sixteen lengths, the standard of the Hospital would be adhered to without leaving any remnants. Page 69.

3dly. WITH RESPECT TO THE SHIRTS.

Captain Baillie's book, page 69, states the complaints of the men.

Thomas Field, page 62, deposes, that he had measured the linen in his ward, and upon 160 sheets and 160 shirts, he found a deficiency of 95 yards.

Mr. Godby did not pretend to deny the deficiency from the standard, but thought it enough to say that the deficiency was not embezzled, but a saving to the Hospital:—A strange reasoning this! as if the purse of the Hospital had any other interest than that of the pensioners, and that savings from the regulated allowances were a benefit to those from whom the savings are made.

Mr. Cust, Chairman of the Committee, which was to examine into the abuses, admits, page 93, that "in some instances the shirts were under standard certainly."

4thly. IN REGARD TO THE SHOES.

Captain Baillie in his book, page 69, had taken notice of their being bad, and that the pensioners had complained to the Council of them, 27th June, 1777.

Mr. Cust in his evidence, page 100, admitted that "some that were produced were found to be very bad."

5thly, IN REGARD TO THE WOMEN'S CLOATHS.

Mr. Cust admits, May 3d, page 100, that, "they were not so good as they used to be," and your Lordships in this book have had samples produced before you.

6thly.

6thly. AS TO THE STOCKINGS.

They were complained of by Captain Baillie in his book, page 69.

It appears by Mr. Godby's evidence (page 48) that in May, 1777, "he complained to the Directors of "6000 pair of stockings, and conceived *that none of them* were equal to the pattern;" and it appears by the Minutes of the Court of Directors, that the stockings delivered were so bad, that one third of them was returned to the Contractor, and the other two thirds kept, because there was no time to get better, and one shilling per dozen was deducted from those which from necessity were kept.

The Council on the 18th of July, 1777, "received "several complaints (concerning the stockings) found "them to be justly founded, and ordered the Steward to lay the matter before the Board of Directors for their information, that the necessary measures might be taken for redressing the men." page 47.

Nothing was done in consequence of this Minute.

7thly. AS TO WASHING.

It was complained of in Captain Baillie's book, page 68.

Mr. Ball, Clerk of the Council, page 47, read the Minutes of 16th January, 1778, where it appears, "that three nurses complained that the linen of the "men under their care was badly washed, and several "pensioners produced their shirts, stocks, and "towels, &c."

"It appearing to the Council, that the complaint "was just and well founded, and that the washing "of the pensioners is *equally bad throughout the Hospital*, the matrons are hereby directed not to give "certificates for any linen *that is not really cleaned "and well washed.*"

8thly. CONCERNING THE BEER.

Complained of by Captain Baillie, in his book, pages 64 and 65.

Captain Baillie deposed, from pages 52 to 56, that there had been more complaints of the beer than of any other article. That on October 9th, 1775, 4000 gallons of beer were started by the Council as bad.

The Council, on 21st April, 1777, on a fresh complaint, "are of opinion, that the *badness of the beer* "proceeds from the ready and easy communication "of the water with the pipes, which convey the beer "from the brewhouse to the sink where the beer is "served."

Mr. Ibbetson and Captain Chadds attempted to lay this fraud of the beer not on the Brewer, but on one *Luke Davis*, who had stolen some beer at one of the sinks; but as there are *two sinks*, from whence the beer is served at the same time by different people, and at *both* the beer was found *equally bad*, it is impossible the fraud of Davis at one of them could be the cause of fraud at the other.

This complaint is fully stated in the Minutes of the Council, May 8th, 1778, "who sent for beer "from *both ends, and middle of each dining-hall, and "were unanimously* of opinion, that it is unfit for the "pensioners to drink. The Council then repaired "to the brewhouse, and found two vats of the same "brewing not fit to be served to the pensioners. "page 56."

They further resolved, "That the Lieutenant-Governor be desired to wait upon the Governor "with the copy of the Minutes, hoping he will "take some method with the Board of Directors for "the relief of the pensioners! Page 56".

9thly. WITH REGARD TO THE POSTS AND RAILS OF THE BLIND MEN'S WALK.

Captain Baillie complained in Page vi. of his Memorial, of their being taken down.

Mr. Barker, one of the Chairmen, deposed, (page 105) "that certainly the Committee did examine

"whether it was a grievance then subsisting, and it "*was not then subsisting, but rectified, and in a more "safe order than before.*"

Sir William James, a Member of the Committee, deposed, (page 130) "that the charge respecting "the inconvenience which the blind had laboured "under *was admitted or allowed to be a grievance, "and that was understood by the Committee to have been "remedied.*"

Captain Allwright deposed, (page 135) "That "the posts and rails round the Hospital being taken "down, of which the blind men complained, was "done before Captain Baillie's Case was heard before "the Committee, and that since that time, he knew "of *none put up to this day.*"

This instance is a striking proof of the reality of Captain Baillie's complaints, of the neglect of redress, and of the true spirit which animated that Committee on whose report Captain Baillie is dismissed from his employment.

10thly. AS TO THE REVEREND MR. COOKE'S HAVING PURCHASED HIS SITUATION IN THE HOSPITAL.

Captain Baillie complained of it in his book, page 11.

The Rev. Mr. Cooke acknowledged (pages 45, 46) that he entered into an agreement, signed and sealed, with Mr. Tindal, to give him all the profits of his Chaplainship during life, on his resignation in his favour, and accordingly did pay him the profits while he lived. How far this was simony, the Right Reverend Bench of Bishops will judge. He further acknowledged,

"That Lord Sandwich was acquainted with his "negociation with Mr. Tindal, but did not know "the particulars of their agreement."

"He also acknowledges having given to Mr. "Tindal £.50 to resign his place of Director, to "which he, Mr. Cooke, was appointed in his room. "Page 146."

11thly. AS TO THE INTIMIDATION THAT HAS BEEN USED TO PREVENT PERSONS FROM COUNTENANCING CAPTAIN BAILLIE.

Alexander Moore deposed (page 95) "That the "Rev. Mr. Cooke, about the 15th of August, 1777, "said to him, "that Captain Baillie was a very "troublesome fellow in the Hospital, and he himself "had taken care that he had lost his best friend, and "he might get him as he could, mentioning Lord "Sandwich."

Lieutenant Charles Lefevre deposed, (page 72) "That he had received from Mr. Cooke numberless intiminations from giving support to Captain Baillie. "He frequently told me, that if I was seen in company with Captain Baillie, or had any correspondence with him, an end would be put to my preferment."—That he afterwards said to him, "I "find you keep company with Captain Baillie, and "he swore by God there would be an end put to my preferment, if I did not desist."

"That he heard Mr. Cooke make use of the like "intimidation towards his father, the late Lieutenant Lefevre." These menaces, very unjustifiable in any man, are shocking in a Clergyman, who ought to be an example of order and decency; who ought to be animated with a peculiar charity towards the poor under his care, and who, instead of intimidating others from an enquiry into abuses, ought to exceed every one else in zeal for their correction.

12thly. IN RESPECT TO THE PAINTED HALL.

The books shew that £.1000 was given to Mr. Davies for this work, exclusive of scaffolding and various materials, that this was undertaken by private contract, and not advertised.

X x

Mr.

Mr. Bertels, an eminent Picture-cleaner deposed, (page 109,) "That had it been advertised, he would have undertaken it for about £.400."

John Glas, Boatwain, who had the care of the Hall, deposed (page 111). That he had kept an account of the cleaning and repairing the paintings at the time the work was carrying on, and that from an account of the time of the workmen, and of their wages (of which the workmen themselves, and Mr. Davis's son had given him an account) the workmanship, exclusive of materials, amounted only to *an hundred and seventy odd pounds.*

Mr. Cipriani, indeed, deposed, "That he thought the work well done and reasonable." Mr. Cipriani compared this job with the cleaning and repairing the painted ceiling at the Banqueting-House, now Whitehall Chapel, for which he thought he had been underpaid. Your Lordships will recollect, that Mr. Cipriani is one of the first Painters in England, and not one of the cheapest; that painting and cleaning pictures are two very different sorts of work; that little more than care, and some practice, is necessary for the latter; while genius, and great art, to be acquired by long study, are requisite to make a Painter. If proper œconomy had been attended to at Whitehall, or at Greenwich, some careful Picture-cleaner, at moderate wages, would have been employed to remove the dirt, with which time had covered the paintings at those places, and Mr. Cipriani, or some great master, might have retouched such parts as had received any damage.

It is also to be observed, that Mr. Cipriani had never seen the paintings at Greenwich before they were cleaned, except once, about nine years ago, when he did not consider them with any view to examine what work might be necessary to clean and repair them, and cannot now say in what state they then were. He has never seen them, since cleaning, but once, and that from the floor, at a distance of about thirty feet. He has neither heard what their measurement is, nor knows the quantity of work that has been done. From hence your Lordships will see how little Mr. Cipriani is capable of judging in this business, nor will your Lordships think that any just comparison can be drawn from the repairs necessary to the works of Rubens, which have stood upwards of one hundred and fifty years, in the smoke of London, with those of Sir James Thornhill, which are in the pure air of Greenwich, and have not existed half so long.

Thus, my Lords, has it been proved, by undeniable testimony, on oath, at your Lordships Bar*, that no less than twelve material abuses, complained of by Captain Baillie, have actually existed in the Hospital, to the full extent of his representations.

- I. Danger of fire.
- II. Shortness of sheets.
- III. Shortness of shirts.
- IV. Badness of shoes.
- V. Badness of stockings.
- VI. Badness of washing.
- VII. Badness of women's cloaths.
- VIII. Badness of beer.
- IX. Blind men being deprived of the post and rails in their walk.
- X. Sale of offices.
- XI. Intimidation to prevent Captain Baillie from being countenanced.
- XII. Extravagance in repairing the Painted Hall.

All these are clearly proved. There are many others of less note, which I have omitted.

The abuses of greater consequence, and on which I shall ground the REPORT remain to be observed. But before I proceed to state them, I think it necessary to mention one article, which although proved in a certain degree, I am free to admit does not appear to me to be an abuse.

It is the lodging the clerks in the Hospital, and giving to some of the officers in the House better accommodations than they had before.

There is no doubt but some of the wards and passages have been converted to these uses; but it has not appeared, that it has been done in any improper degree, or for any improper purpose. To judge of this matter rightly, one ought to see the alterations; but I only speak from the evidence we have had, and from that, I am ready to allow that there does not appear to have been any abuse in this article, except, perhaps, some impropriety in the manner by which several pensioners were suddenly dislodged many years ago.

But I admit, that with the encrease of pensioners, an encrease of officers is necessary and that it is proper, that all officers and clerks, whose duty is in the Hospital, should be lodged therein, provided they are *seafaring men.*

I have no partiality in this business, and am happy where I find an instance of misconduct not proved, to give the Hospital credit for it. Sorry I am, that of all the articles complained of, this is the only instance I can find under that predicament.

I NOW come to those matters of abuse, on which I mean to found the REPORT. They will come under two Heads.

1st. THE INTRODUCTION OF LANDMEN, CONTRARY TO THE END AND PURPOSE OF THE INSTITUTION, AND THE DIRECTIONS OF THE CHARTER.

2dly. THE MISCONDUCT OF THE SEVERAL BOARDS.

Under the first of these Heads, I shall first take notice, that in the Council there are five members,

Mr. Eden, the Auditor.
Mr. Ibbetson, the Secretary.
Mr. Cooke, } Chaplains.
Mr. Maule, }
Mr. Godby, the Steward,

who are not within the words of the Charter, *seafaring men, or such as have lost their limbs, or been otherwise disabled in the sea-service.*

The Charter says, (page 17) that the government of the House shall be performed by the Governor, and such a Council of the Officers of the said Hospital as the Admiralty shall from time to time appoint.

Now the same Charter authorising and empowering the Admiralty to appoint all officers necessary to be employed in and for the said Hospital, adds, provided that all officers to be employed in the said Hospital be *seafaring men, or such who have lost their limbs, or been otherwise disabled in the sea-service.*

Here is, I conceive, a direct violation of the Charter, for the Council must be composed of officers of the said Hospital; and all officers must be seafaring men. If it is pretended, that these five members of the Council are not officers, the Charter is infringed, by making them of the Council. If they are officers, it is infringed, by their not being seafaring men, &c. Usage and custom can never be pleaded to justify a breach of such direct provisions, nor can they here afford an excuse; for if usage had shewn, that such a deviation from the original Commissions was proper, the framers of the new Charter, granted in 1775, and which seems so much accommodated to the views of the Admiralty, should have rendered this legal, by leaving out the proviso. But, they have done otherwise: they have in the New Charter repeated the strict proviso of the old Commission, "that all officers to be employed in the Hospital shall be seafaring men," &c. Instead of altering this regulation, they have confirmed it by the more solemn tie of a Charter: They have made it a law for themselves, which they have violated in the five instances I have mentioned.

* Lord Mansfield was pleased to say in the Debate, that not so much as an attempt had been made to prove any one abuse, except that of the exorbitant price paid for cleaning the pictures.

MY NEXT POINT, under the same head, is, that besides these five members of the Council, there are twenty-one other offices in the Hospital, also held by landmen, contrary to the Charter, viz.

— Furbor, Schoolmaster.
John Pocock, Dispenser.
Francis Cook, Secretary's Clerk.
Daniel Ball, Steward's first Clerk.
Philip Lewis, } Butler's Mates.
James Skeen, }
Alexander Moore, Master Cook.
Roger Hunt, Mate to ditto.
Nicholas Levit, Scullery-man.
Robert Ruffel, } Mates to ditto.
William Garner, }
James Lane, Porter.
David Storey, } Surgeon's Assistants.
Thomas Carnarvan, }
William Wheatley, Dispenser's Assistant.
Stephen Hickman, Brewer.
William Dickey, Turncock.
William Dickey, Labourer.
Robert Mylne, Clerk of the Works.
— Paunceford, Clerk of the Council.
James Huggins, Labourer.

I am not aware how this can be denied. They are all lodged in the Hospital, and appear to me under the description of officers.

MY THIRD POINT under the same head, is, that of three Matrons, which are established in the Hospital, two of them are not widows or daughters of seamen.

Possibly a quibble may be raised, by saying, that women cannot be called officers, and cannot be seafaring men, or be supposed to have lost their limbs and been disabled in the sea-service. My answer is, that the evident object of the institution was, for the navy; and that whenever any persons, properly under a naval description, can receive any benefit on this establishment, for themselves or their widows, they have a right to be preferred. Former usage shews, that this very office of Matron has been looked upon in the Hospital to belong to widows of seamen; but the present practice seems rather to consider that character as a disqualification. Mrs. Smith, the widow of a Captain in the navy, petitioned to be a Matron, but in vain. A Mrs. Dennis, the widow of an Admiral, has also petitioned; and there are now the widows of twenty officers of the navy serving as nurses in the Hospital. If two of the present Matrons, being neither widows nor daughters of seamen, is not a breach of the Charter, it is, at least, a perversion of the institution.

Under the same head, I have further to observe, that there are no less than twenty-five other employments held under Greenwich Hospital by landmen. As they are not lodged in the Hospital, I shall not contend that they hold their offices contrary to the words of the Charter, but certainly contrary to the spirit of this foundation.

There is scarcely any of these offices, which persons having served at sea, or who have been disabled in the sea service, might not be found fully capable of executing. They consist of

Surveyor, Clerks, &c.

James Stuart, Surveyor.
William Ferguson, Auditor's Clerk.
Henry Taylor, Surgeon's Servant.
George Hambley, Steward's Clerk.
J. Samworth, ditto.
George Smith, Clerk of Cheque's Clerk.
John Elder, ditto.
Lufton Ralfe, Organist.
George Pope, Brewer's Assistant.
— Pierfon, ditto.
John Smith, ditto.

Persons holding under the Derwentwater Estate.

Doctor Scott, Rector of Simonbourne.

— Lancaster, Rector.

James Turner, } Receivers.
Nicholas Walton, }

Persons belonging to the Sixpenny-Office, on Tower-hill, all paid by the Hospital Fund.

Thomas Hicks, Receiver.

J. Cleveland, Comptroller.

J. Beverley, Accomptant.

J. Bryan,

H. Mattocks,

William Gray,

Charles Eve,

J. Dalley,

Margaret Scold, House-keeper.

William Newnam, Messenger.

20

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Of these, the employment of Surveyor, who, it is said, "must be an eminent Architect," seems to me the only one which a seaman may not be capable of executing.

But I must here observe, that in the Commission there was a power given to the Commissioners "to call into their aid and assistance skilful artists, to the end that the building and finishing of the said Hospital may be carried on with as much speed as possible." As such, and while the building is going on, (which ought, long ago, to have been finished) an Architect may be employed, and when new works may be to be undertaken, such a skilful artist might be called in. This power was given by the Commissions to the General Court. The Charter has left it out, to center all power in the Admiralty alone.

But I do not see any pretence for the Hospital's having two Architects, Mr. Stuart and Mr. Mylne, under the denomination of Surveyor and of Clerk of the Works.

It has been said, that three other officers, viz. the Auditor, Organist, and Brewer, must be landmen. I do not see why this is necessary. The Auditor's business is not law business. If an Organist is necessary, is there no seaman sufficiently musical for that employment? If not, this is but a single exception. And as to the Brewer, I do not see why a seaman may not be as capable as the present Brewer, Mr. Hickman, who was educated an Ensign in the Guards.

There can be no reason why all the clerks and under clerks should not be seafaring men.

Why should not the two livings of the Derwentwater estate be held by Chaplains of the Navy? Why was Mr. Scott to have the preference over them all? What was his merit? Was it being the author of Anti-Sejanus, and other political writings?

I cannot help observing on the difference between the treatment of two persons for their writings of the same sort, attacking favouritism. Mr. Wilkes was expelled Parliament, outlawed, fined, and imprisoned. The Rev. Mr. Scott was rewarded with a living, 1000l. a year. Mr. Wilkes adhered to his own independent principles. Mr. Scott belonged to a faction (of which the present First Lord of the Admiralty is an eminent branch) which changed their language and conduct on getting into place.

It has been said, that the Stewards of the Derwentwater estate must be landmen, but no reason has been given; it has been asked by the noble Lord at the head of the Admiralty, "whether your Lordships would send to Greenwich to get a Steward from among the pensioners, and whether being a disabled seaman was a qualification for a Land-Steward?" My answer is direct; it is no qualification, but it is no objection. There may be, and there are many meritorious seamen, who are disabled, very capable

capable of this office. Are there not many Admirals and Captains Secretaries, Purfers, and other Officers, Lieutenants, or Captains themselves, who are perfectly qualified for this office, and would be happy with such a provision?

I have next mentioned the Sixpenny-Office on Tower-hill. The salaries of the ten offices belonging to this establishment come out of the seamen's pay. Why should not seamen enjoy the benefits arising therefrom? There can be no doubt but there are numbers of seamen capable of executing the little duty the Sixpenny-Office requires.

From the foregoing account, your Lordships will see, that there are no less than *fifty-three offices*, depending on Greenwich Hospital, held by *landmen*. The noble Lord himself pretends only to cite *five* of them, besides the Steward of the Derwentwater estate, that he thinks seamen are not fit to hold. Much parade is made for not having placed landmen as pensioners in the Hospital. These situations are of small account, compared with the profitable offices I have mentioned; which, to the amount of forty-seven, the noble Lord gives to landmen, although he admits they are not such as require the exclusion of seamen. This is the **TRUE FRIEND OF THE SEAMEN!**

I COME NOW TO THE SECOND HEAD. THE MISCONDUCT OF THE BOARDS.

There are several instances, in which the conduct of the **BOARD OF DIRECTORS** strike me as highly blameable, but I shall confine myself to two.

It appears by their Minutes, that they had referred to the Council for their opinion, on the practice of giving money, instead of provisions, to the men, under the denomination of *Butler's List* and *Chalk-off Lists*. The Council saw some difficulties in removing the first; but with regard to the last, the unanimous representation of a very full Council, on the 9th of August, 1776, was in the following words: "That such practice (referring to the Chalk-off List) is not only contrary to the establishment, but injurious to the health and morals of the pensioners, and is attended with many inconveniences, improprieties, and irregularities, and ought to be totally abolished." Page 42.

This representation was made by the Council to the Board of Directors, in consequence of a reference from themselves.

But the Court of Directors took no further notice of it, and the practice subsists to this day.

It was, indeed, said by Mr. Ibbetson, (page 43) that he had heard from his clerk, that the Directors had seen reason to preserve that practice, as it would be taking too much off from the Charity Fund. And Lieutenant Moyle says, that many of the members of the Council had altered their opinions. But nothing of this sort appears on the Minutes either of the Board of Directors or of the Council.

I shall not here discuss whether such a practice, which so full a Council had unanimously recommended to be abolished, and had so strongly censured, was or was not deserving that censure. But Captain Baillie and Captain Allwright swear, that these, and other instances of neglect in the Board of Directors, discouraged them from making further complaints.

But the next is the most striking and alarming instance of misconduct in the Board of Directors. It is the *renewal of the contracts with Peter Mellish for supplying the Hospital with meat, notwithstanding his being on record for having cheated the Hospital.*

The story of this Mellish is well known, and briefly this:

He was employed by the Directors to provide meat for the pensioners, at thirty-two shillings and sixpence per hundred weight. The complaints of the pensioners of the badness of the meat, excited the vigilance of Captain Baillie, who, at length, through the assistance of Alexander Moore, the

cook, detected the villainy of the contractor, prosecuted him in the King's Bench for the penalties he had forfeited, and brought him to punishment in the face of his country.

A second action was commenced against him for similar offences, which could have been as easily proved, yet the Directors permitted him to compound for 100l. penalties, amounting to 500l.

Notwithstanding these repeated instances of knavery, notwithstanding it was proved that the meat he served was worth only fourteen shillings, when he was paid more than thirty-two shillings per hundred, yet the Directors, in defiance of their duty, of humanity, and of their trust, renewed their contract with this convicted criminal.

I will do the Directors the justice to state the apology they have made for their conduct, as mentioned by one of them, Mr. Cust, at your Lordships bar; which is, "That as Mellish's offers were the lowest, they thought themselves under an obligation to contract with him."

But this principle is the most false, and the most dangerous in its consequences of any I ever heard uttered; it is contradictory to all the rules of prudence which direct private affairs, and to all the policy, propriety, and decorum which ought to regulate matters of a public nature. It tends to maintain and encourage the wickedest and basest of frauds; since, according to this idea, the public conviction of dishonest practices, upon the most important of all objects, the sustenance of meritorious age and infirmity, incurs, at worst, nothing but the immediate penalty; still leaving the capacity for future trust (trust relative to the very object of the fraud) as perfect as ever. It thereby destroys the greatest, if not the only prudential motive, that any trading man can have to integrity and justice; namely, the benefit of a fair character, and the trust, confidence, and extent of employment, which ought inseparably to follow it. But in consequence of this principle, and of this example, a contractor with the public knows, that it is with difficulty he can be convicted at all of any fraud, however gross and palpable; he knows, the man who convicts him, will, like Captain Baillie, be praised and ruined; he knows, that when he has compounded for a very trifle, the advantages of years, perhaps of the most lucrative speculations, he may, by the riches acquired through that very iniquity, be enabled to out-bid, as he had before out-faced, all the timorous integrity of honest tradesmen, who are kept down, and put to shame by the hardness of his villainies; and after deserving the pillory a thousand times, he shall trample on all opposition, domineer in all markets, command all contracts, extend a proud influence into every quarter of the country, and pass the hours of his repose from fraud, in county-clubs with the noblest company in the kingdom.

This, my Lords, to a public so full of dealings and contracts of all sorts, is no trifling concern. I have not mispent your time in marking and exposing this cruel and insolent fraud, and the profit, power, and importance that results from it. It is for you to determine how far you will join in the corruption of the morals, and injury to the revenues of your country, which must inevitably ensue from such practices followed by such rewards.

I now come to the proceedings of the **GENERAL COURT**, and the **COMMITTEE** they appointed.

Captain Baillie, after these and other fruitless attempts to get the abuses of Greenwich Hospital redressed by the Council and Board of Directors, drew out a full account of them and of the general management of the Hospital for some years back, which he entitled, *The Case of the Royal Hospital for Seamen at Greenwich.*

He caused it to be printed, not with an intent to publish it, but, in case he should be obliged to present it to all the Commissioners and Governors of the Hospital, to save the expence of having 200 copies written. His first step was to wait on Lord Sandwich

Sandwich, on the 7th of March, 1778, with a copy of this case, which, with a letter explaining his reasons for so doing, (page 74) he left at the Admiralty. Captain Baillie proceeded no further in this business for some time, hoping his Lordship would take some step towards examining into the complaints, and towards rectifying the abuses.

It was not till the ninth day, after leaving his complaint with Lord Sandwich, that Captain Baillie called on his Lordship to know if he had any commands relative to the subject matter of the case he had laid before him. His Lordship said he had not. Captain Baillie then waited till the 26th of March, 1778, when he delivered another Copy of his Case, with a letter to Mr. Stephens, page vii.

The noble Lord has given as a reason for not taking any notice of the letter and complaint of Captain Baillie to him, that he did not come *officially to him*; that letters *to him* are all of a *private nature*, that those only which come to the Secretary of the Admiralty are of *public concern*. I shall not dispute that this idea is strictly adhered to, when a grievance is to be redressed; but if a favour had been to be granted, or a good contract to be patronized, I strongly suspect that not writing to his Lordship would have been deemed a strange neglect and want of attention. And that a suitor would have little chance of success who should content himself with an official request to Mr. Stephens.

At all events, Captain Baillie's prior application to the noble Lord, was a proof that he was not wanting in respect to his Lordship.

Finding no redress from this step, Captain Baillie; as I have said, wrote officially to Mr. Stephens, on the 26th of March, inclosed his Case of Greenwich Hospital, and desired it might be laid before the Board of Admiralty. He also requested that their Lordships would be pleased to summon a full and General Court of the Commissioners and Governors, according to the true intent and meaning of the Charter, to whom he most ardently wished to appeal. He also hoped, that to make such a Court efficient it would be advertised three times in the Gazette, as well as summonses sent, that a proper number of respectable characters might be present. Page vii.

I beg leave here to observe, that this request of Captain Baillie, that proper summonses, or notices might be sent, was a matter of some importance. It is remarkable that there appears but one instance in the Records of the Hospital, as far as I have been able to examine them, in which regular notice was sent to all the members of the General Court of Commissioners to attend any meeting. So that perhaps all their proceedings from the first settlement of the Hospital, may, (if on a more strict search this should prove so,) be deemed illegal and void, for want of such summons. And if the House shall think proper to proceed further in this business, such a strict search may be very necessary. The single instance I have mentioned, was when a new Steward was to be appointed to the Derwentwater estate. Mr. Ibbetson has informed the Committee, that on that occasion there being two candidates, he had, of his own mere motion, sent summonses to all the members, except the Princes of the Blood. It does not, however, appear that this was ever repeated, not even on the passing the new Charter, nor on this occasion, when it was particularly requested by the Lieutenant-Governor, on a complaint of great abuses, into which he desired the General Court would enquire.

His request that notice in the Gazette might be three times given, was also totally disregarded. The Court was called in the usual manner, which from Mr. Ibbetson we learn, is, to summon only "the Lords of the Admiralty, Secretary at War, Treasurer and Commissioners of the Navy, Lieutenant-Governor, Auditor and Directors of the Hospital, and Deputy Master of Trinity House." These, it is observable, amounted on the present occasion to

forty persons; of these, *twenty four* were Directors, and *seven* were Lords of the Admiralty, that is, *thirty-one* persons immediately affected by the complaint. The remaining *nine* consisted of the Secretary at War and Treasurer of the Navy, who never attend, and of the Secretary of the Admiralty and *six* Commissioners of the Navy, who were not the most proper men in the world to sit in judgment on the conduct of the Admiralty—a superior Board, under whose directions they are immediately placed.

When this General Court, thus composed, met on the 14th of April, it consisted of 25 persons, of which all but *two* were affected by the complaint, either as Lords of the Admiralty, or as Directors; and those two were Mr. Stephens, the Secretary to the Admiralty, and Sir Richard Temple, a Commissioner of the Navy. All the other great personages, officers of state, and others that are members of this court, were *not summoned*, as they had been when Mr. Smeaton was appointed Steward to the Derwentwater estate, nor was the meeting advertised in the Gazette, as Captain Baillie had requested. It cannot be urged, that this was refused for any good reason, since the subsequent General Court, in August, to receive the report of the Committee, was advertised without any request of Captain Baillie's. To advertise the meeting in August, when it could produce no effect; every body being out of town at that season, and to refuse it in April, when many might have attended, serves only to convince us, that Captain Baillie's request was liable to no other objection than the good effect it might have produced.

This Court, thus constituted, met on the 14th of April, 1778.

The Minutes say, "that Lord Sandwich informed them he had called them together, to lay before them Mr. Baillie's letter to Mr. Stephens, and his printed Case. His Lordship also laid before them several applications from the Board of Directors, several officers of the Council, principal civil officers, and numbers of clerks, &c. (who conceive themselves greatly traduced and injured by the charges contained in Captain Baillie's book) desiring redress; all which were read. Captain Baillie acknowledged himself to be the Author of the printed Case. Great part of the said Case was then read, particularly such of it as more immediately reflected upon the proceedings of the Directors, and their Secretary."

Mr. Cust, (one of the Directors) then moved, that a Committee might be appointed to investigate the grounds of the charges contained in the said printed book.

"Captain Baillie was then desired to name seven of the most independent Directors to form a Committee, which he declined. Lord Sandwich then took a list of the Directors, and having put down the names of the following Gentlemen, viz.

"Sir Merrick Burrell,

"Mr. Fonnereau,

"Mr. Cust,

"Mr. Savory,

"Mr. Barker,

"Mr. Wells,

"Mr. James,

"Mr. Reynolds,

"Captain Baillie was asked, if he had any objection to them, to which he declined giving any other answer, than that he disapproved of the mode. It was then resolved,

"That the above-mentioned Gentlemen, except Mr. Fonnereau, who desired to be excused on account of his ill health, should be a Committee (of whom three to be a Quorum) to investigate the grounds of the several Charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places as they should think most proper for the purpose; and, when they had completed such investigation,

"vestigation, to let the Lords of the Admiralty know it; that another General Court might be called to receive their Report."

Two reflections occur on the proceedings of this General Court, composed, as I have before stated, of *Directors* and *Lords of the Admiralty*. The first is, that they considered the *Directors* as peculiarly concerned in Captain Baillie's book—Lord Sandwich had laid before this General Court applications from *them* complaining of it and desiring redress. The whole of these and other applications were read, while only a great part of Captain Baillie's Case was read. The Minutes specify the part which was read "to have been particularly that which more immediately reflected upon the proceedings of the *Directors* and their Secretary." But notwithstanding these proofs that the General Court looked upon the *Directors* as more immediately concerned in the complaint, they appointed a Committee, consisting solely of *Directors*, to examine the grounds of it. The Minutes of the General Court state Captain Baillie as objecting only against the mode of proceeding. But he has sworn, that he objected to the constitution of that Committee, as composed of *Directors*, parties in the business. This evidence has not been controverted, and Captain Baillie's letter of the 18th of April, 1778, page viii, to the Committee, protesting against their constitution and proceedings, is very full upon the subject.

The second reflection to be made is, that the motion for the Committee by Mr. Cust, and the resolution of the General Court are in the following words: "To investigate the grounds of the charges contained in the said book." This was the matter referred to them, and no other. They were to enquire into the grounds of the complaint alleged by Captain Baillie in his book, *against any persons whatsoever*; not the complaints of those individuals who had petitioned to the General Court against him. For although their applications had been received and read, they were not referred to the Committee, whose conduct to be regular should have been strictly governed by the matter referred to them. But, indeed, it is no wonder if these Gentlemen sometimes confounded the characters in which they were to act, as it was the same set of Gentlemen who appointed the Committee, and composed the Committee, who were judges and parties, who reported of themselves and to themselves.

I have already mentioned Captain Baillie's protest in his letter to the Committee of the 18th of April, 1778. However, they proceeded, and had seven different meetings at Greenwich. To give an account of all the extravagance and injustice of their conduct would be voluminous indeed. A few particulars will mark the character of their proceedings. Mr. Cust, who sat as Chairman six days, has deposed at your Lordships bar, that the Committee did not think they were to enquire into any matters respecting complaints against either the *Court of Directors*, the *General Court*, the *Governor*, *Board of Admiralty*, or *First Lord of the Admiralty* (Page 102.) In consequence of this idea, the most essential parts of Captain Baillie's complaints were left unexamined, nor was any other means offered to Captain Baillie, whereby he might proceed in his complaints against these superior powers. Mr. Cust admitted, that as *Directors*, they were parties interested, and could not judge in their own cause. It is a pity that his ideas could not reach a little further, and see that persons accused were not the most proper judges to try a cause of the same nature as their own, and where their own accuser was a party.

Let us now see how the Committee proceeded to investigate those grounds of the Charges contained in the printed book, to which they had now reduced the enquiry. Captain Baillie proposed to go through his book regularly from beginning to end, article by article, and to bring evidence in support of each. This was refused: and the fact of the refusal, with many other particularities no less striking, appear in Mr.

Cowley's evidence. Mr. Cust, (page 94) admits that he had settled with Mr. Morgan, who was employed as Counsel for the persons who had complained against Captain Baillie, the plan for the proceedings of the Committee. This plan we learn from Mr. Morgan, was as follows: To collect from Captain Baillie's book such articles as related to one particular officer—such as the Secretary, Surveyor or Steward, and to call upon Captain Baillie to make good those charges, so selected by Mr. Morgan. In this manner the Committee directed him to proceed, notwithstanding his repeated protestations against so extraordinary a method. I believe this is the first instance in any court whose conduct claimed the smallest similitude to legal proceedings, where an accuser was dictated to as to the manner in which he should accuse, and his accusation regulated by the Counsel for the accused. The thread of Captain Baillie's complaints was broken. He was obliged to jump backwards and forwards, from one page to another, just as Mr. Morgan chose to lead him. When he wanted to bring more evidence, he was refused. It was either foreign to the subject or not the proper time.

Mr. Cust had repeatedly assured him, that when Mr. Morgan had done, he should be heard, and bring what witnesses he pleased. Mr. Baillie submitted, relying on his promise; but Mr. Barker, who was Chairman on the last day of the Committee, knew nothing of this promise, and suddenly broke up the Committee, without suffering Captain Baillie to produce any further evidence.

Captain Baillie had brought a Short-hand writer to take an account of the proceedings. This was refused, and the man was turned out of the room; although Mr. Ibbetson, the Rev. Mr. Cooke, and others complained of, and complaining against Captain Baillie, were suffered to take such notes as they pleased.

One instance of Captain Baillie's fairness is very remarkable. It had been contended that the specimens of bad cloathing which Captain Baillie offered to produce, might have been picked—Sir William James proposed examining the first men that passed. Capt. Baillie most readily assented to such an impartial examination, and earnestly pressed that the men on guard, or any other men taken by chance, might be examined: but this was refused by the Committee. (Page 132.)

Another instance before alluded to, proves how this Committee investigated the grounds of the charges contained in Captain Baillie's book. He states a grievance of the poor blind men, that the posts and rails belonging to a walk called the *Blind Men's Walk*, whereby they were enabled to feel their way in safety, had been taken down, and had occasioned some accidents. One man had fallen down, and broke his thigh. (Page 88.) Captain Baillie begged that several of the blind men then at the door might be called in, and examined as to this complaint. This was refused, and it was then that Captain Baillie going out of the room lost his temper, and told these poor creatures that "they would meet with no redress; that they might break their necks and be damned, nobody would save them." At your Lordships bar, Mr. Barker, the Chairman (page 105) and Sir William James, (page 130) one of the Committee, have deposed, that their reason for not examining into this matter was, *that it had been redressed*.—But as I have before stated, Capt. Allwright, who lives in the Hospital, positively swears, that the posts and rails in the blind men's walk, taken down before Captain Baillie's book appeared, have never been put up again! (Page 135.)

The Minutes of the proceedings of this Committee shew how these meetings were attended.

At the first meeting were	At the second meeting
present,	Mr. Cust,
Mr. Cust,	Mr. Wells,
Mr. Wells,	Mr. Savory,
Mr. Savory,	Mr. Reynolds,
Mr. Reynolds.	

At

At the third meeting,
Mr. Cust,
Mr. Barker,
Mr. Reynolds.

At the fourth meeting,
Mr. Cust,
Mr. Wells,
And Mr. James, for the
first time.

At the fifth meeting,
Mr. Cust,
Sir Merrick Burrell,
Mr. James,
And Mr. Reynolds.

At the sixth meeting,
Mr. Cust,
Mr. Wells,
Mr. Reynolds.

At the seventh meeting,

Mr. Barker,
Mr. James,
Mr. Wells.

No one of the members attended all the meetings, so that none of them could say he had gone through this examination, such as it was. There was an eighth meeting, but whether to call it of the Committee or of Directors, I know not. Captain Baillie was excluded from this meeting. An answer from the Directors respecting their conduct was there drawn up, and added to the Report, but no accuser, witness, or evidence, heard. Mr. Cust and Mr. Barker signed the Report, as Chairman. Mr. Cust has deposed, that he signed only for the six days he attended; but Mr. Barker (page 107) has sworn that he signed for the proceedings of the whole seven days, although he was present only two days; "presuming (as he says) that the Committee did when he was absent as when he was present; and that being men of business, they could not act otherwise than regularly."

The General Court of Commissioners and Governors was held on the 12th of August to receive the report of this Committee.

I have already mentioned, that this meeting was advertised in the Gazette; but being in the midst of Summer, this measure did not produce a very great attendance. There were, present twenty persons; of these, sixteen were interested in the complaint. The other four were, Mr. Stephens, Secretary to the Admiralty, Sir George Rodney, and Sir Edward Hughes, Admirals, and Sir John Williams, Commissioner of the Navy.

At this meeting a report of the Committee was read, as was a letter from Captain Baillie to the Governors and Commissioners, objecting to the Committee, complaining of their proceedings, &c. &c. (pages 76 to 80.)

An altercation then took place, whether an assertion of Captain Baillie's in that letter, "that he was informed by Lord Sandwich at the last Court, that none are summoned to the General Courts but those whom He thinks proper," was founded in truth. Lord Sandwich appealed to the Commissioners who were at the last Court, and they all were positive "that his Lordship had not said any thing which could be so understood." There can be no doubt on such testimony, and yet I can conceive that Captain Baillie might be led so to understand the matter, from finding that his request for a general summons was disregarded, and his desire that the meeting might be advertised, complied with only when it could be of no use.

The General Court came to the following resolutions:

"That the several charges contained in Captain Baillie's book, which have been examined into by the Committee, appointed for that purpose, appear generally malicious and void of foundation, and tending to disturb the peace and good government of the Hospital;—and that a copy of the report of the said Committee be therefore laid before the Lords Commissioners of the Admiralty, and that it be submitted to their Lordships, whether, for the better government of the Hospital, it may not be adviseable to remove the said Captain Baillie from

"his employments of Lieutenant Governor, and one of the Directors thereof."

In Captain Baillie's evidence (page 80) he swears, that he had in his hands the depositions for his defence in the King's-Bench. That he tendered them to the General Court. "They were refused, and the answer was, they were not come to hear evidence upon oath, but the report of the Committee."

It did not require much time to give to these resolutions of the General Court, the stamp of authority from the Admiralty. The three Lords who had just sat as Members of the General Court, immediately transformed themselves into a Board of Admiralty. The Minute states them to have received a letter from Mr. Ibbetson of that day's date, inclosing a copy of the proceedings of the General Court. It states them to have read the report of the Committee, and the Minutes of the preceding General Court, when the said Committee was appointed. It also states them to have read a letter of the 8th of August, signed by fifteen principal officers of the Hospital, desiring Captain Baillie's removal.

Upon these grounds, and no other, the Lords Commissioners of the Admiralty resolve—"That it is expedient for the peace, quiet, and regular conducting the business of the Hospital, that Captain Baillie be suspended from his employments, both as Lieutenant-Governor and Director, and one of the Council of Greenwich Hospital, till further order."

"Resolved,

"That Directions be forthwith given to Sir Charles Hardy, to cause him to be suspended accordingly."

Two days after, viz. on the 14th of August, 1778, Captain Baillie, in his letter (page xi.) to Mr. Stephens, "requested him to move the Lords of the Admiralty to direct that he might be furnished with a copy of the order by which he was suspended," but could never obtain the same.

On the 1st of December, 1778, Captain Baillie wrote to the Lords of the Admiralty, intreating to be restored to his station in the said Hospital (page xi.)

On the 8th of December, 1778, (page xi.) Captain Baillie wrote to Mr. Stephens, begging that "he would be pleased to lay his humble request before their Lordships, or the General Court, as the case might be, to the end that he might have authentic copies of any new complaints. And also that their Lordships might be pleased to give directions that he might have a true copy of the report made at the General Court held at the Admiralty of the 12th of August last, by the late Committee of Enquiry appointed for that purpose."

In answer to this letter of Captain Baillie's, Mr. Stephens, on the 11th of December, writes, "I am commanded by their Lordships to acquaint you, that they have not received any new complaints against you, and that as the report above-mentioned was made to the General Court, their Lordships do not think themselves authorised to give directions for your being furnished with a copy of it."

It is true that this letter is not before the Committee. The order having been only for letters written to the Admiralty, not for those written by their Secretary. But the original is in Captain Baillie's possession, and ready to be produced to you Lordships. (See page xi. No. 14.)

On the 25th of December, 1778, (page xi.) The Admiralty dismissed Captain Baillie. The Minute of their proceedings is so curious and so important in this business, that I must beg leave to read the whole Minute of it.

"Admiralty-Office, December 25, 1778.

Present

Earl of Sandwich,
Mr. Buller,
Earl of Lisburne,
Lord Mulgrave.

"Read

" Read a letter of the 1st instant from Captain Baillie, desiring to be restored to his station in Greenwich Hospital;

" Read also a letter from the Directors, and a memorial signed by fifteen of the principal Officers, as well military as civil, both dated the 4th instant, repeating their former applications, that justice may be done to their much injured characters;

" Read also the warrant by which Captain Baillie was appointed Lieutenant-Governor of Greenwich Hospital; the order for his suspension, and the clause of the Charter authorizing and empowering the Admiralty Board to displace, move, or suspend officers for misbehaviour, and to appoint others in their room;

" And their Lordships having resumed the consideration of the Minutes of the General Court, and the report of the Committee relative to Captain Baillie, and the several applications which have been before made to them by the Directors and others who conceived themselves greatly injured by his book,

" Resolved,

" That the said Captain Baillie, for his misbehaviour, as stated in the report before mentioned, be removed from the offices of Lieutenant-Governor, one of the Directors, and one of the Council of Greenwich Hospital.

" Resolved,

" That Captain Jarvis Maplesden, first Captain in the said Hospital, be appointed to these offices in his room.

" That the Captains of the said Hospital, below

" the said Captain Maplesden, be moved up, And

" That Captain James Cooke be appointed fourth Captain, in lieu of Captain Chadds."

On the 30th of January following, Captain Baillie, in a letter to Mr. Stephens, page xli. repeats his request in the strongest manner, for a copy of the report, together with the other papers relative to him, and read before the Admiralty on the 25th of December, when he was dismissed. He also desires to have copies of the resolution of the General Court of the 12th of August last, respecting himself, and of the original order to the Committee. He desires these for the furtherance of justice, being advised, that he is entitled to a legal remedy.

Captain Baillie again, on the 9th of February, in his letter to Mr. Stephens, page xlii. repeats his request for these papers. He insists on them as his right, and at all events hopes he shall be entitled to an answer.

But to all these requests Captain Baillie got no other answer than that of the 11th of December above-mentioned, wherein the copy of the report was refused, and he never obtained any of the papers.

It is here necessary that I should call your Lordships attention very particularly to this proceeding of the Board of Admiralty. By the new Charter of 1775, the Admiralty had got the power of appointing to all offices in the Hospital. They had also obtained the power and authority to displace, move, or suspend, any officer for his misbehaviour.

I believe it will not be contended, but that the Charter giving the power of removal for misbehaviour, restricts that power for any other cause than misbehaviour: That by so doing, all Officers so appointed, enjoy a freehold in their office, from which they can be removed only for misbehaviour. The persons to judge on this misbehaviour are the Admiralty; but in judging of it they must observe something of the usual forms of legal proceedings. Before a man can be removed from his freehold, he must be charged with some act of misbehaviour, as a cause for his removal. That act must be regularly proved, and he must be heard in his own defence. The Court authorised to determine, must itself hear the cause. It cannot delegate the powers with which it is vested. The Charter has constituted the Admiralty the proper Board to remove for mis-

behaviour—they alone can judge of it. No other set of men can exercise this judgment for them.

In the present instance, even that burlesque upon Courts of Enquiry the Committee, was not appointed by the Admiralty, but by the General Court. And the General Court itself has no power by the Charter to judge of misbehaviour. It is the conduct of the Admiralty, acting as a Board of Admiralty, that can be alone considered in this business; nor will it be of any avail to say that the General Court by its constitution, necessarily included such a number of the Lords of the Admiralty as would make a Board.

When they meet at a General Court of Commissioners and Governors of Greenwich Hospital, although the meeting is at the Admiralty Office, although they sit there in right of their seat at the Admiralty, yet they are then acting only as Governors of Greenwich Hospital.

To exercise the powers vested by the Charter in the Admiralty, that Board must be legally convened, and sit and do business as a Board of Admiralty.

This distinction is evidently admitted in the proceedings now on your Lordships table. The General Court, on the 12th of August, recommend the removal of Captain Baillie. The Board of Admiralty on the same day, consisting of the same three Lords who had attended the General Court, take into consideration the recommendation of the General Court, and suspend Captain Baillie. His removal on the 25th of December, is also by the Board of Admiralty.

But did that Board of Admiralty ever take those steps which I have mentioned, as requisite to remove a man from his freehold, or indeed to subject him to a penalty of any kind grounded upon his delinquency in any way? Was Captain Baillie charged with any specific instance of misbehaviour? Did the Board of Admiralty communicate any such charge to Captain Baillie? Did the Board of Admiralty ever hear any one individual witness against Captain Baillie? Was there any confrontation of witnesses? Was Captain Baillie heard in his defence, or ever heard at all? It appears by the evidence, that none of these requisites were observed.—Can your Lordships then hesitate to say, Captain Baillie's removal, so circumstanced, was illegal? But it may be said, that Captain Baillie's appointment was only during pleasure. I know that the practice has been so to word the commissions of officers in Greenwich Hospital; but the Charter, which mentions the Lieutenant-Governor, and which gives to him and to all officers a freehold in their office, can never, as I conceive, be defeated by a prior appointment, having given them a tenure of less extent. But if we were to admit, what never can be admitted, that the office was held during the King's pleasure is there any thing to shew, that the King's pleasure, has been taken on the occasion? It is the Board of Admiralty, as a Board (and not a Minister signifying the King's determination of an office) that removes Captain Baillie. Their own sense of the matter is beyond all dispute, by their own mode of proceeding. They acted upon a complaint. That is, they acted judicially. They read the complaints of the several parties, and enter the reading on their Minutes. They read the Charter empowering them to remove for misbehaviour. They therefore proceeded with a full sense, that complaint and misbehaviour was the sole ground of their authority to remove. In a word, they proceeded formally as a Court, and with the greatest regularity imaginable, omitting only the essential part, that is all sort of proof of the misbehaviour on which they grounded their judgment, and the hearing or calling the party whom they thought proper to condemn.

I now come to the last and most material article of abuse, that has existed in Greenwich Hospital, I mean the alterations in the Charter from the old Commission.

The noble Lord, at the head of the Admiralty, seems to pride himself much, that in the investigation of this part of the business, these alterations have

not

not been brought home to him. It is certain that the witnesses, Mr. Everett, and Mr. Sibthorpe, Mr. Ibbetson, and Mr. Eden, have steadily sworn that his Lordship had no concern in them. From their evidence it does not appear that his Lordship knew any thing of such business being in hand, till the draught was laid before the Court of Directors.

Before I remark on this fact, I must beg leave to point out to your Lordships, how extraordinary it is that the noble Lord, who values himself so highly on his attention to the minutest affairs of that Hospital, should take great pains to prove that he paid no attention whatever to the most material points of all, no regard to the sole foundation of all the economy, police, rights and powers of that institution, and even of his power over it.—The Charter—That he should have been even ignorant, utterly ignorant of the whole of this important transaction—he who so highly values himself on fitting up a dining-room! did ever any man before that noble Lord attempt to exculpate himself from being the author, or adviser of an act which in argument he holds not only defensible but proper, by proving himself guilty of a negligence extremely culpable, and which it is impossible to defend! it is a strong presumption that he looks on that Charter to be of such a nature, that a complete ignorance of it, and a negligence, however faulty, that removes him at a distance from any interference in it, is the most reputable situation with regard to that business, in which he can stand.

But however this may be, I may hope still to contend that the alterations were such as his Lordship did not *disapprove*. As to its not being proved that he contrived them, I am perfectly contented that the noble Lord should remain possessed of the triumphs he seems so pleased with on this occasion. It is immaterial to me who altered the Charter.—It is not immaterial to Greenwich Hospital that it was so altered.

The first alteration is taking from the General Court, the recommendation to all the officers in the Hospital, which was vested solely in them by the commission, and placing in the Admiralty the appointment of all officers without such recommendation.

This alteration totally changes the constitution of Greenwich Hospital. It renders the General Court of Commissioners and Governors insignificant, and makes the Admiralty the sole and uncontrouled ruler of this charity. It deprives it of all check, and of all hopes of redress in case of abuse.

If the General Court in any instance was guilty of misconduct, the superintending power of the Admiralty was ready to correct the grievance. But now the Admiralty has ingrossed the whole government of the Hospital; if by chance they should swerve from their duty, be guilty of any job, or place landmen in this naval establishment, where is the controlling power that can correct them? I know of none but Parliament, and your Lordships have seen the difficulties attending such proceedings here.

The higher branches of Government should always be confined to their proper sphere, and never be suffered to become executive, where they should be only superintending.

While the government of the East-India Company was left to their own Directors, though very ill conducted, it was not half so ill conducted as since Ministers have, in fact, taken it into their own hands. Before that time, the servants of the Company were under some restraint from the fear of the interposition of Government, and of being punished for abuses. Now, that fear is removed, since it is Government itself which directs; and there is now no greater fear in robbing the inhabitants of India, in extorting presents of millions from Nabobs and Princes, or in plundering the Company itself, than in rendering England a bankrupt nation to enrich a Minister and his dependents.

Any power without check, is dangerous. That acquired by the Admiralty in Greenwich Hospital, is, in fact, without a check.

But we are told by the noble Lord, in defence of this important alteration, “that *usage*, as well as “*common-sense*, shews it was never intended to be “otherwise.”

I shall not trouble your Lordships with any remarks upon that extraordinary species of *common-sense* which attempts to prove, that a commission giving in the most express terms the right of recommendation to a body of men, meant thereby, that they should never use it, but that another should.

I should think myself still less excusable, if I should take up your Lordships time in disproving the IMPRACTICABILITY (another exception taken) of regulations which commenced in the year 1703, and, according to the noble Earl's own account, did not cease till the year 1722. I shall content myself with explaining how the other defence, *usage*, supports this pretended *intention* of the Commission so different from its provisions.

I find from the Minutes of the Hospital, that the course of proceeding, at the first establishment, and for many succeeding years, was this:

Upon the vacancy of any office, the petitions of those who had any claims to offer, were presented to the Meeting of the Directors. There the certificates of their qualifications were examined, their respective pretensions enquired into, and a report made of the whole to the General Court.

At the General Court the report of the Directors was taken into consideration, and an order made for recommending to the Admiralty such of the candidates as were fixed on for supplying the vacant offices. It sometimes happened, when the merits of the petitioners were nearly equal, or when the Court wished to pay a personal compliment to the Lord High Admiral, that the Court recommended two or more for the same office, leaving the choice of them to the Prince of Denmark.

The noble Earl has said, “that in one instance six “persons were named to be chosen out of.” I am exceedingly obliged to his Lordship for pointing out this instance to the Committee, as the proceedings of the Admiralty, of the Directors, and of the General Court in that case, afford the completest proof how the *usage* was, and will save me the trouble of selecting many others, out of the numerous instances, in which the Minute-books of the Hospital abound. It is in the Minute-book D, folio 23.

By the Directors in the Hospital at Greenwich, December 29, 1716,

“Mr. Kynaston acquainted the Board, that he “had received a letter from Mr. Burchet, Secretary “to the Admiralty, with directions to acquaint the “Directors from their Lordships, *that by the Commission all the Officers for Greenwich Hospital are to be “recommended by the Commissioners*, and not by the “Directors, and that their Lordships had appointed “that a General Court be held this day se’nnight, in “order to recommend a Secretary to the said Hospital.”

At a General Court of the Commissioners, at the Admiralty Office, January 5, 1716-17, Minute-book D, folio 25,

“A General Court being called, in order to recommend to my Lords Commissioners of the Admiralty a Secretary to Greenwich Hospital, in the “room of Mr. Vanbrugh, deceased, they proceeded “to the same, and agreed to recommend Mr. Bell, “Mr. Thomas Corbett, Mr. Robert Southby, Mr. “Hawse, Mr. Maddox, and Mr. Hall, to their “Lordships, and desire their Lordships approbation “to either which they shall think proper, *if they shall “appear to their Lordships to be duly qualified.*”

By the Directors in the Hospital at Greenwich, January 26, 1716-17, Minute-book D, folio 27,

“Mr. Thomas Corbett presented his warrant from “the Lords Commissioners of the Admiralty, ap-
Z z “pointing

"pointing him Secretary to the said Hospital, in the room of Mr. Vanbrugh, deceased, the same was read and ordered to be entered, and he took his place accordingly."

"But, says the noble Earl, the *absolute* and final appointment was in the Admiralty." The final appointment undoubtedly was, since it was necessary that the warrant should be signed by that Board; but if by *absolute*, he means that they had a right to appoint without the recommendation of the General Court, his position is by no means true. The Admiralty of 1716, in the letter I have quoted, say *directly the reverse*.

Besides the instance above adduced, I shall only beg leave to bring one more, which proves, beyond dispute, that the Admiralty had no right to proceed to the appointment of any officer previous to the recommendation of the General Court.

By the Directors in the Hospital at Greenwich, August 9, 1705, Minute-book D, folio 113,

A letter from Mr. Burchet, Secretary of the Admiralty, recommending Mr. Thompson, Porter of the Admiralty, to be Messenger to Greenwich Hospital, was read and accepted, provided he has belonged to the sea.

I hope I have proved to your Lordships conviction, that *usage has not served* the noble Earl much better than *common sense*, in his attempt to shew that it never was intended the General Court should fix upon the persons who were to hold offices in the Hospital. It remains to be considered, whether during the period that this power in the General Court existed in practice, the great ends of the charity were more effectually carried into execution, than when, by degrees, the sole power of appointments slipped into the hands of the Admiralty. We shall then be able to judge how far experience justified his Lordship, as the friend of the seamen, in his endeavours to establish, by his new Charter, a practice which had crept in by the neglect of the old Commissioners.

In the first part of what I have troubled your Lordships with, I have fully explained how little the introduction of landmen into the offices in the Hospital is warranted by the old Commissions or new Charter. But it is said, that it would be as reasonable to expect that the managers of Bedlam should be lunatics. My grave answer to this miserable attempt at ridicule, by comparing seamen with madmen, is, that if Bedlam Hospital was founded in its administration, as well as in its benefit, for the sole use of madmen, and that lunacy did not *disqualify* from the management, the managers ought to be madmen. And as being a seaman is not being a madman, nor any disqualification from the management of Greenwich Hospital, I think the positive directions of the Charter should be observed.

I shall now beg your Lordships permission to examine a little further what was the practice, with respect to the appointment of seamen to the management of this Hospital, at the time of its first establishment. The practice of that time will, I think, prove the best comment on the intentions of its founders. And I think I shall prove to your Lordships satisfaction, that none but seafaring men were formerly looked upon as qualified to hold any offices in the Hospital at all. That none but such were recommended by the General Court, and that when seamen capable of executing any of the offices were wanting, persons were appointed, *pro tempore*, to fill them.

The first proof is a general order given by the Court of Commissioners to the Directors, August 11, 1704, Minute-book D, folio 32.

At a General Court of the Commissioners for the Hospital at Greenwich,

Several petitions relating to offices, which had been laid before the Board of Directors, were offered to consideration, and are referred back to the Directors to examine the same, and report, by an abstract thereof, the claims therein made, *respecting all such*

as are not qualified according to the intention of the Commission.

What is meant by being *qualified according to the intention of the Commission*, will appear from the following letter of recommendation, to the Lord High Admiral, of persons to be appointed Stewards and Matrons:

By the Directors of the Hospital at Greenwich, &c. October 5th, 1704, Minute-book B, folio 40.

May it please your Royal Highness,

The Directors of the Royal Hospital at Greenwich received and perused the petitions of Richard Gibson and Joseph Gascoyne, relating to the office of Steward, and having had due consideration to their respective *qualifications* and service of the Crown at sea, do humbly take leave to lay their names before your Royal Highness, for filling the said office, as a necessary preparation towards the taking men into the said Hospital.

And there having been likewise divers women praying our recommending them for the office of Matron, we likewise humbly take leave to lay before your Royal Highness the names of those persons, which are looked upon to be *qualified by the Constitution*, for your Royal Highness's election of a Matron, and most humbly leave the same to your Royal Highness's consideration.

PETITIONERS FOR STEWARD.

JOSEPH GASCOYNE, registered, and well recommended from all the Commanders he has served with.

RICHARD GIBSON, sets forth his merits and long service in his petition, and very well recommended.

PETITIONERS FOR MATRON.

SUSAN SHERWIN, sets forth the long service of her husband in the wars of 66, when he commanded several small ships. He was blown up in the *Breda*.

ELIZABETH YELVERTON, her husband died master in the vessel, having served the Crown from his youth, &c.

RACHEL LOW, her husband served as master of divers ships, and died in the service.

A representation to his Royal Highness, recommending the petitioners for Steward and Matron, was agreed, and is to be prepared to be signed at the next meeting.

The following, out of innumerable other instances to the same effect, will be sufficient to shew your Lordships that the appointment of seamen to the offices in the Hospital was an object of which they never lost sight.

At a General Court, August 22d, 1705, Minute-book B, folio 118.

WILLIAM THOMPSON having petitioned to succeed as Messenger, it is to be enquired whether he is a seafaring man.

By the Directors, &c. November 8th, 1705, Minute-book B, folio 130.

THOMAS HOG, being offered and recommended, and appearing to have been employed in the service of the Crown, he is to be recommended to the General Court.

By the Directors, &c. February 2d, 1704-5, Minute-book B, folio 91.

RICHARD HENDERSON, of Greenwich, having shaved the pensioners to this time, is to continue the same, till some sea barber be appointed.

By the Directors, &c. August 30th, 1705, Minute-book B, folio 119.

DAVID WILLIAMS, having officiated as Clerk, from the first entertainment of the Pensioners, is to be further employed till some seaman be appointed.

I now come to a very serious part of this business. The noble Earl has appealed, with imprudent confidence, to the paper on your Lordships table, which contains

contains a list of all the appointments of officers, civil and military, since the first institution of the Hospital in 1704, *by which* he tells us it appears how that matter was *understood at first*, and that *not one of the persons* first appointed to the civil offices was a seaman.

How the matter *was understood*, I hope I have shewn pretty clearly to your Lordships, by the extracts which I have read from the Minute-books of the Hospital; most of which are dated in the years 1704 and 1705. The same books may, perhaps, be of more use to us in ascertaining the practice, as well as the sentiments, of the first Commissioners of the Hospital, than the list given in at your Lordships table by Mr. Maule, whose return, I take upon me to prove, *is false in no less than five instances*.

The second person mentioned in that list, is *Joseph Gascoyne*; he is put down as *Steward*, and *not served at sea*.

The Clerk will be so good as to read the letter from the Commissioners to the Lord High Admiral. Minute-book B, folio 40. October 5th, 1704.

PETITIONERS FOR STEWARD.

JOSEPH GASCOYNE, *registered, and very well recommended from all the commanders he has sailed with*.

I believe your Lordships will have little doubt of Joseph Gascoyne's having served at sea.

A little lower down stands *Edward Griffiths, Cook's Mate, not served at sea*.

The Clerk will now read in the same book, folio 219, the Minute relating to Edward Griffiths. July 3d, 1707.

By the Directors, &c.

EDWARD GRIFFITHS, applying to be admitted Assistant to the Cook, he is to be recommended to the General Court, *if it appears he has served at sea*. At folio 239, he will find that he was recommended accordingly.

I think your Lordships will give credit to Edward Griffiths, that he has also served at sea.

Two names lower, in Mr. Maule's list, appears *William Silkworth, Scullery Man's Mate, not served at sea*.

The Clerk will read the Minute-book relating to this said Silkworth, folio 207, March 6th, 1706-7.

By the Directors, &c.

JOHN SILKWORTH, an ancient seaman, is to be recommended for Scullery-man's Mate. There is a mistake in the Christian name, but, from the office, it is evidently the same man.

Have your Lordships any doubt that this Silkworth has been at sea?

Next but one to Silkworth, stands James Barnes, Porter, *not served at sea*.

The Clerk will now turn to folio 142, and read what is there said of James Barnes. January 3d, 1705-6.

By the Directors, &c.

A Petition of JAMES BARNES, *Cook of the London*, was read, and on reading his *certificates*, ordered, that he be recommended to his Royal Highness as a person *fitly qualified* for Porter of the Royal Hospital, according to the prayer of his petition.

Is James Barnes, my Lords, one of the persons first appointed, that never was at sea?

The last in the list, is, *William Buller, Barber, not served at sea*.

If your Lordships patience be not exhausted, the Clerk will read the Minute relating to William Buller, at folio 118. August 22d, 1705.

At a General Court, &c.

William Buller, petitioning to be Barber to the Hospital, his petition is to be referred to the Navy Board for a *certificate of his service at sea*. I cannot pass over this matter without calling your Lordships attention to so very extraordinary a falsification in returns made by your Lordships orders. The list of officers, in the Prince of Denmark's time, consists but of twenty persons, a fourth part of whom are falsely returned in the list before your Lordships, and in such a manner as to mislead the Committee in one of the most important objects of their enquiry; and the noble Earl has built the best part of his defence upon this rotten foundation*.

These are what appear manifestly on the face of their own books, and I have not myself a shadow of doubt, from the general mode and spirit of their proceedings, but that the greatest part, if not all the rest

* As the cotemporary practice of the Commissioners and Board of Admiralty is undoubtedly the best interpreter of the intentions of the original institution, it may not be improper to state the following instances in addition to those mentioned above:

EXTRACTS from Minute-book of the Commissioners of Greenwich Hospital.

By the Directors, &c. December, 9th, 1703. p. 13.

A petition of Mr. LE NEVE concerning the place of *Auditor* to the Hospital, was read and ordered to be laid before the General Court, with the petition of Mr. Moody, and others, relating thereto.

By the Directors, &c. February 17th, 1703-4, p. 16.

A petition of JOYCE RUSSEL, widow, desiring to be admitted a Matron in the Hospital, was read, and is to be considered at the proper season.

By the Directors, &c. August 10th, 1704, p. 30.

A petition from Mr. RICHARD GIBSON was read, desiring to be Steward of the Hospital, and ordered to be laid before the General Court.

By the Directors, &c. August 24th, 1704, p. 32.

A petition of REBECCA DAWSON, to be Nurse, was presented, and is to be considered with other petitions of a like nature.

By the Directors, &c. September 14th, 1704.

The petitions of all persons petitioning for offices, and the women for Matrons and Nurses, were examined, and the women who were present were called in and heard, and an abstract was made of them to be laid before the General Court.

By the Directors, &c. September 21st, 1704, page 37.

Several certificates were read, relating to the women petitioning; they are to be referred to the Clerk of the Ticket-Office to be examined.

By the Directors, &c. September 28th, page 38.

Several petitions were read, viz. J. ILLINGWORTH for Butcher, B. HAZELWOOD for an employment, JOHN SHOT for Barber, THOMAS MILLS for employment, CHRISTOPHER HOCKER, MAG. DAVIES, SARAH BURCHMORE, for Nurses, or like service, and HENRY MIDDLETON for Surgeon.

By the Directors, &c. May 1st, 1705, folio 104.

THLLADAMS, a seaman's widow, to be further recommended for a Nurse, to the General Court.

Two more instances of seamen's widows, recommended to be Nurses in the Hospital, are found in the same Minute-book, folio 190 and folio 194, and two more in Minute-book C, folio 16 and folio 172.

Can there be a doubt, from these extracts, that the sense of the Governors of this Hospital was, from its first institution, consonant with the plain and express words of the Commission?

Petitions for admission are founded on pretensions arising from services *at sea*. The Court of Directors and General Courts, refer to the Ticket-Office for proofs of *service at sea*.

Reports from that office, certify accordingly.

On those reports, appointments are made out.

Throughout the whole the words, *duly qualified*, is to be traced, and the *due qualification* is proved to be *service at sea*.

This is not for the admission of Pensioners, but for officers in the *management of the Hospital*. Secretaries, Stewards, Auditors, &c. and to that intent is this idea of *sea service*, being a necessary qualification pushed, that even a Barber, and a Scullery Man's Mate, are suffered to continue, only until a Sea Barber and a Scullery Man's Mate, *duly qualified by having been at sea*, can be found.

of the officers, consisted of seamen. With regard to the Chaplains, one of them is allowed to have been at sea; the other, Mr. Stubbs, was Chaplain to the Dock-Yard at Woolwich, and may on that account be supposed to have had some sort of claim to the benefits of a naval charity. For by the appointment of the Chaplains of the Ordinary of Woolwich and Deptford to be Chaplains to the Hospital, their annual pay and profits, on an average amounting to about £.170 a year, is added to the fund of the Hospital.

Some other alterations in the Charter from the Commission have been taken notice of and defended.

I have already so fatigued your Lordships and myself, that I will not abuse your patience in advertising to them any further than to say, that if they are innocent, they appear to me also useless.

If the new powers given by the Charter to alien and sell, are incidental to all corporations without express words to give them that power, it did not seem necessary to give that power by express words in the Charter. It is a dangerous power, and very liable to abuse, particularly in a case like this. The estates of many corporations are solely for the use of the corporate body, like the private estates of individuals, they may alien them in the same manner without any detriment to the public. But in the case before us, the estate of the corporate body is a mere trust; and not at all for the use of those who alien. They ought therefore to have been put under restraints, if they had been free before, rather than to have had so dangerous a power newly conferred upon them. An Act of Parliament has put this restraint very properly on Bishops, who anciently possessed a right of alienation. The Governors of this Hospital did very well without this power before the Charter; and ought not to have had it when the New Incorporation was made. What is remarkable, the noble Lord himself defends the power by an attempt to prove that it is in effect no power at all; and that no purchaser can safely rely on it, without knowing that his purchase-money is properly applied. A thing impossible for him to know; as it is utterly ridiculous to suppose a great public body to be under the controul of an individual and a stranger, for the due exercise of any of its functions. I conceive it would be better when exchanges are advantageous to have recourse to an Act of Parliament than to vest the Commissioners with powers, which after all the alarm they have given, are not allowed satisfactory to a purchaser; since the Duke of Northumberland in his late exchange, subsequent to the powers given by the Charter, has thought it more prudent to have his title founded in a special Act of Parliament.—I can still less conceive any good purpose, for which the words in the Commission so particularly directing that all monies given, &c. to the Hospital *shall not be applicable to any other purpose*, were left out in the Charter.

I have now stated to your Lordships the various matters which I think require redress, and I am now to submit to your Lordships consideration what appears to me a proper remedy.

That remedy aims at two points.

First. *To restore to the General Court of Commissioners, the recommendation to offices which they enjoyed by the old Commission, and of which the new Charter has deprived them.*

Secondly. *To secure that none but seafaring men shall partake of the benefits of this Marine Establishment.*

I shall move your Lordships to report to the House the opinion of the Committee, that the Judges should prepare a Bill for these purposes. I propose a Bill, because I do not know of any other method of rescinding the present Charter. I am told the King cannot annul a Charter, but by the surrender of those to whom it is given. A Bill seems to me the shorter method, and I have no scruple in rescinding by Act of Parliament a Charter wherein those to whom it is given have no personal interest, when the provisions of that Charter militate against its objects, and when

the design of rescinding it, is to substitute a better in its place.

I am ready to agree with the noble Lord, that the General Court, as constituted by the Commissioners, was not well contrived to procure attendance. Nor do I think that the Charter leaving the General Court so composed, is more likely to procure a better attendance, by depriving that Court of the importance it enjoyed by the recommendation to offices. I would therefore substitute another sort of General Court in its place, to consist of all the Flag Officers in the Navy, and of none other. I think the care of our aged seamen can be entrusted in no better hands, than those of our Admirals; having served with them, they will be acquainted with their pretensions, and know their merits; and they will be sure to bestow the benefits of this Charity among their own profession—A laudable professional zeal will encourage them to give their attendance; and the power of providing for an old ship-mate, to be exercised upon vacancies by those who attend, will be a farther encouragement to them not to neglect this noble institution. As to the particular provisions and regulations of the Bill, if your Lordships shall approve of the general plan, they may be settled when that detail comes before the House. I am not particularly attached to this or any other plan, I only wish to secure my two main objects, the restoring to an independent and effectual General Court the appointment of officers, and to exclude all landmen from the possession of them in Greenwich Hospital.

It may be expected that I should move some vote of censure on the noble Lord at the head of the Admiralty. He has taken to himself the sole merit of every improvement that has been made in the Hospital during his time. Even the increase of rents of the Derwentwater estate is to be attributed to him. It would therefore be but just, if he was made answerable for the many abuses which have been proved to exist unredressed by his Lordship: he might particularly be charged with having himself appointed landmen to be Members of the Council, and officers of the Hospital, in breach of the positive directions of the Commission. The noble Lord might indeed plead precedent; and I am ready to allow, that it might be admitted as a considerable alleviation of his offence. But I think no precedent can justify so direct a breach of the law. And what precedent can be pleaded even in excuse of a breach of that Charter which has been obtained under his own Administration? If it was no more necessary or reasonable that seamen should be employed in the management of Greenwich Hospital than lunatics in the management of Bedlam, this new modelled Charter should have said so; but it has said directly the reverse; it has confirmed the old provision in the Commission, *that all officers of the House to be employed in the said Hospital be seafaring men, &c.* Nevertheless, this provision in the Charter of 1775 has been violated in the following instances of officers, who are landmen, appointed to Greenwich Hospital since the Charter:

STEPHEN HICKMAN, Brewer, appointed 12th August, 1777.

ALEXANDER MOORE, Master-Cook, 14th December, 1777.

JAMES ARUNDELL, Cook's-Mate, 19th December, 1775.

ROGER HUNT, Cook's-Mate, 7th January, 1777.

N. B. These are all warrant officers appointed by the Admiralty.

They are all officers in the Hospital, and are not seafaring men. I am sensible that it is not the First Lord of the Admiralty alone, that would regularly fall under the censure this conduct deserves, although the noble Lord, as Chief of that Board, would certainly bear the greatest share.

But, my Lords, I shall make no motion of censure. Your Lordships see that it is not want of proof that restrains me; I am prevented only by my indifference whether the noble Lord suffers or escapes censure

censure for such a subject as this, when he has avoided it for having ruined the navy of this kingdom, and deprived it in times like these of the service of its most valuable officers. It is sufficient for my present purpose, if I can obtain redress for the existing grievances of Greenwich Hospital.

But, my Lords, although I am indifferent as to the punishment of the noble Lord, I am not so as to the persecutions Captain Baillie has met with. He has been very meritorious in detecting the cruel frauds of the butcher, and prosecuting him and his servant to conviction. He has been at all times the true friend of the pensioner. He has brought to light many abuses; many he has got rectified, and the prosecution of others has occasioned his being harassed with expensive suits in Westminster-Hall, and his being illegally dismissed from his office. Under this head of injuries done to Captain Baillie, I cannot avoid taking notice of the delusive hopes of a peaceful retirement, held out to him in the negotiation with Lord Sandwich, carried on by Mr. Murphy, one of Captain Baillie's Counsel, and Mr. Butler, a Lawyer and friend of Lord Sandwich's. The object of this negotiation was, to give Captain Baillie some provision adequate to the value of his office. And the examination of this matter has taken up a great deal of the time of the House.

The only notion I ever had of this business was, that subsequent to all complaints against Captain Baillie, the First Lord of the Admiralty had had thoughts of giving him, in some shape or other, an equivalent to the value of his employment. From hence I meant to argue, that at that time the noble Lord thought Captain Baillie had some merit, some claim to protection, that so far out-weighed any fault that might make it proper to remove him from the Hospital, as to induce the noble Lord to make for him an equivalent provision.

This fact has been fully proved. Mr. Butler, (Page 112) deposed, at your Lordships Bar, that in the very first conversation he had with Lord Sandwich on this subject, his Lordship said, "That if Captain Baillie would consult the peace and welfare of the Hospital so much as to retire immediately, and resign all his offices and employments there, that he had no objection to make him some provision."

He further deposes (page 113) that at the meeting at the Admiralty, he heard Lord Sandwich say to Mr. Murphy, "That if Captain Baillie would so far consider the peace and welfare of the Hospital, as to retire immediately, and resign all his offices and employments, he had no objection to make the provision that was mentioned for Mr. Devisme, or any of Captain Baillie's family. His Lordship then read the proposals, viz. Captain Baillie, upon having his suspension taken off, and receiving the intermediate profits, and being permitted to stay in the Hospital for a given time, will then resign his office, an equivalent provision being to be made for him. He considers his place in the Hospital at 600*l. per annum*; being desired to point out a mode, he thinks it may be done in the following manner: He understands Captain Kirke, a Commissioner of the Victualling Office would prefer to be the Lieutenant-Governor of Greenwich Hospital, he therefore may be appointed in Captain Baillie's room, and Captain Baillie will be content to retire on his half-pay, if his son-in-law, Mr. Devisme, is appointed a Commissioner in the room of Mr. Kirke, or a Commissioner's place at Minorca for himself. In this case he will do whatever is in his power to prevent any farther disturbance on the subject, and the remaining copies of the printed Case shall be destroyed in the presence of any persons that will attend for that purpose; he hopes there will be no more printing on either side." This proposal, as I am informed, was dictated by Mr. Murphy, and written by Mr. Butler.

After saying that he believed Captain Baillie was mis-informed of Captain Kirke's wishing to change;

and after refusing to send Captain Baillie to Minorca, or to give him any place where he would have to act in concert with any other person, on account of his temper, Lord Sandwich went on to say, "As getting him immediately from the Hospital would be contributing very essentially to the peace and welfare of the Hospital, if Captain Baillie would so far cooperate, as to contribute to that essential advantage, he would make him the provision which he before spoke of for Mr. Devisme, or any of Capt. Baillie's family."

After this, Mr. Butler had a meeting with Captain Baillie and Mr. Murphy, which ended in the following memorandum:

"Captain Baillie, upon having an equivalent made him, is willing to resign his office of Lieutenant-Governor of Greenwich Hospital, which provision may be either to him or to Mr. Devisme, as before-mentioned, but the resignation is not to be made till the compensation is given—Captain Baillie wishes to have a ship, though it were to be but for one cruise, in order to go out of the Hospital with credit—and to receive the emoluments of his office till the compensation is given—Nothing done in this business to keep the service from being open to Captain Baillie on any occasion."

This was sent by Mr. Butler to Lord Sandwich, who a few days after told Mr. Butler, that "if Capt. Baillie would resign all his employments, and retire immediately, it would be doing an essential service to the Hospital, and he would so far consider it, as to make him the provision he before spoke of for Mr. Devisme or his family—That if he did not resign his offices and his employments, he should consider it as a defiance of his right to remove him, and should proceed accordingly. That at all events he should quit the Hospital."

No less than four times did Lord Sandwich repeat, that he had no objection to make provision for Captain Baillie.

The first time his Lordship mentioned this provision, it was for Captain Baillie, not for his family—That part of the proposal came from Captain Baillie himself, between the first time Mr. Butler had heard Lord Sandwich open on this subject and the meeting between his Lordship and Mr. Murphy.

The three last times this was said, the provision seems to be restrained to some of Captain Baillie's family, but throughout there is a condition that Captain Baillie should resign.

It farther appears from Mr. Butler's evidence, that the reason this negotiation broke off, was, that Captain Baillie would not retire on the faith of Lord Sandwich's promises, although strongly persuaded so to do by Mr. Butler and Mr. Murphy.

This transaction was in December last; subsequent to the report of the Committee; subsequent to all complaints against Captain Baillie; and subsequent to his suspension;—It was soon followed by his removal. The story which came out in Mr. Butler's evidence (page 117) to have been told by him to Captain Baillie, concerning the fate of Reformers, sufficiently marked the treatment he was to expect.

The evidence having proved that the noble Earl would make a provision for Captain Baillie or his family, *if he resigned*, I am to ask what merit there was in this act of resignation, that should entitle him to such a provision, or what crime in refusing to resign till the compensation was actually granted, that should render him unworthy of what was intended to be given him?

Since that period of this negotiation, when the provision was intended to have been given, what had Captain Baillie done? Mr. Butler tells your Lordships, Captain Baillie would not retire on the FAITH OF LORD SANDWICH'S PROMISES. And his Lordship considered his refusal to resign, as a DEFIANCE OF HIS RIGHT TO REMOVE HIM.

I shall not examine on what grounds Capt. Baillie refused to trust to the faith of the noble Lord's promises;

mises; or whether such a distrust was prudent or well-founded; but I must contend that it was no crime in Captain Baillie, and that he had a perfect right to distrust and to refuse giving in his resignation, till the compensation was given; I shall further insist that a refusal to resign an office is not a defiance of a right to remove.

From these observations your Lordships will clearly see that Captain Baillie lost the provision intended for him, not on account of any subsequent misconduct of his, but merely because he would not place faith in the noble Lord's promises.

The account of the negotiation, as taken from Mr. Butler, Lord Sandwich's friend, fully proves that his Lordship did not think Captain Baillie undeserving a provision—no fresh act intervened on the part of Captain Baillie to render him less worthy of such a provision.—I must therefore, in concurrence with the noble Lord's own first, and most equitable sentiments, think it peculiarly hard and cruel to deprive him of his office without the intended compensation.

This is the use I originally intended to make of this transaction, and the evidence has fully warranted my observations.

Much stress has been laid on the side on which the negotiation began. This never appeared to me a matter of any importance.

Captain Baillie's account of it certainly induced me to believe that it had commenced on the part of Lord Sandwich. By the account of the witnesses it appears otherwise; and that it took its rise from Mr. Murphy, for it is clear that Captain Baillie did not set it on foot.

That Captain Baillie had said generally that he was ready to take an equivalent for his office, is undoubtedly true. He mentioned it in his affidavit, sworn to before the King's Bench, in November last, as an offer he had made to Lord Sandwich, in 1775.—He certainly could not do a wiser thing, than to wish to retire from an office in which his attempt to do his duty rendered him obnoxious, and even exposed him to ruin.

On this idea, Mr. Bearcroft, leading Counsel to Captain Baillie, had asked him, whether, if an opportunity offered, he was willing to enter into treaty?—Captain Baillie said—*Yes*.—Mr. Bearcroft, in a very distant manner, sounded the Solicitor-General, who was on the other side. But finding he had no authority to treat, Mr. Bearcroft told Captain Baillie so, and there the matter dropped. This was previous to the decision of the Court of King's Bench, on the prosecution of Captain Baillie for a libel; Mr. Bearcroft wished to negotiate with a view to stop those proceedings.—He failed.—The prosecution went on, and there the negotiation ended.—Mr. Bearcroft's evidence on this subject is distinct, short, and manly. Page 138.

That Mr. Murphy has attempted, since that time, to set on foot a negotiation with Mr. Garrick, Dr. Shepherd, and Mr. Brown, is now proved; it might arise from Mr. Murphy's then zeal to serve Captain Baillie, but Captain Baillie positively swears it was without his knowledge, till Mr. Murphy acquainted him with his conversation with Mr. Butler.

If Capt. Baillie has led me into an error in this business, as to the side on which the negotiation began, I have every reason to believe it was not intentionally. It is a piece of justice I owe him to declare, that in the course of the many, many conversations I have had with him on this subject, and relative to Greenwich Hospital, I have never found him make the smallest attempt to mislead or deceive me. Every part of his story has hung together, and there has appeared the most strict attention to truth.

Possibly Captain Baillie misunderstood Mr. Murphy, and Mr. Murphy him. I would wish to reconcile the contradictions that have appeared between gentlemen of character. Captain Baillie, in support of his belief that the negotiation began, on the part of Lord Sandwich, has produced the plan for the examination of Mr. Butler on this subject, which was

drawn by Mr. Murphy. But Mr. Murphy says, (if I understand him right) that he drew this examination with all the art he was master of, to bring out only a part of the transaction, to conceal another part, and thereby to produce an account different from the truth.

But so far I must say for Captain Baillie, that unless it was fully explained to him that it was for this artful purpose, that Mr. Murphy's plan of examination of Mr. Butler was drawn, I do not wonder at Captain Baillie's having been misled by it.

Captain Baillie was not himself present, at the opening between Mr. Murphy and Mr. Butler; he never saw Lord Sandwich; the only accounts he had of the business were from Mr. Murphy.

However it might appear justifiable to Mr. Murphy, for Captain Baillie to bring out in Parliament, an imperfect state of the transaction, I am persuaded Captain Baillie had no such wish, and that if Mr. Murphy gave him any imperfect hints of his paper being drawn with that intent, Mr. Baillie did not understand him. He appears to me so plain and direct a man, that I am persuaded, if such a scheme was not directly and fully explained to him, he would not suspect it, and would take all that was said to him on the subject, as a technical manner of speaking, which he did not understand.

I am, therefore, not surprized that the following passages, in the paper of interrogatories drawn for him by Mr. Murphy, should have convinced Captain Baillie that the negotiation began on the part of Lord Sandwich.

Examination of Mr. Butler, drawn up by Mr. Murphy.

Q. 1st. Was you present at any conversation between Lord Sandwich and Mr. Murphy upon the subject of Captain Baillie?

A. He must say that he was.

Q. 2d. Was it at the Admiralty?

A. It was.

Q. 3d. Did Mr. Murphy go there in consequence of a letter from you, informing him that Lord Sandwich desired to see him.

A. He must say that he writ a letter to that purpose.

Q. 4th. Before you writ that letter, had you made any proposal on the part of Lord Sandwich, to be mentioned by Mr. Murphy to Captain Baillie?

A. He must admit, that on Saturday the 12th of December, he did tell Mr. Murphy, that if Captain Baillie would resign his Office of Lieutenant-Governor, Lord Sandwich would make an equivalent provision for Captain Baillie.

Had this examination of Mr. Butler, consisted merely of questions, Captain Baillie might possibly, with a good deal of explanation, have understood them as Mr. Murphy says they were meant. But it is rather extraordinary that the answers, written merely for Captain Baillie's information, or for that of a person who was to examine Mr. Butler, should not contain one syllable expressive of the view, with which it was said the questions were drawn. The answers seemed to give an account of the whole truth; nor is there in the whole of this paper the least caution to avoid bringing out more than is there stated.

I have before said, that it appears to me a matter of no moment whence the negotiation originated.

If there is any reflection to be made on the subject, it is, that had it originated from Lord Sandwich, there would have been much merit in offering to a man whom he thought had good intentions, but an unhappy temper, some comfortable retreat.

Much has also been said on the supposed breach of faith in Captain Baillie, by making the transaction known. It was certainly conducted under an injunction of secrecy, at the express desire of Mr. Butler, but for what reason I cannot devise. If the transaction was honourable, and even meritorious

(as I think it was) where was the necessity for secrecy? But does it appear that Captain Baillie was the first person that divulged it? Quite the contrary. It was publicly talked of in Greenwich Hospital soon after it was over.

Captain Baillie finding it was already known, and that instead of concluding in that friendly manner towards him, which he was led to expect, it was to end in his ruin, thought all bond of secrecy was dissolved.

In matters of this delicate nature, so much depends upon the precise chain of circumstances, attending every part of the transaction, that I am sure it would be impossible for your Lordships (if you had any business with it) to determine how far Mr. Baillie's conduct was, or was not justifiable in the present instance. We have heard much, but not a tenth part enough to enable us to judge so nice a question.

MR. COOKE, on the 4th of May, P. 109.

Does not recollect that Lord Sandwich said what had passed between him and Mr. Kirke.—Although

Page 109.

Mr. Cooke, though present, did not hear Lord Sandwich say, that the Directors of Greenwich Hospital had said they would not act with Captain Baillie.

Page 109.

Neither did Mr. Cooke hear Lord Sandwich say, that he must quarrel with the Directors, or Captain Baillie, or the least like that.

Page 109.

Mr. Cooke never heard Lord Sandwich say there was a great deal of right in Captain Baillie,—though he has a perfect recollection of his Lordship's observing, that there was a great deal of wrong in him.

Page 109.

Mr. Cooke does not recollect Lord Sandwich's saying any thing upon Mr. Murphy's saying, he imagined Captain Baillie's place worth 600l. a year.

Page 109.

Mr. Cooke does not recollect that Mr. Murphy said Captain Baillie would print a third column,

Page 109.

Mr. Cooke being asked whether Lord Sandwich did not say, that if Captain Baillie did not resign his office, he should look upon it as a flag of defiance,—answered, he never heard Lord Sandwich say any such words.

Page 121.

Mr. Murphy has positively sworn, that Lord Sandwich said to him, Captain Baillie's place may be 600l. a year, I heard you estimate it at that sum in the King's Bench.

And undoubtedly the manner of carrying on a business, its final conclusion, and the conduct of the other parties, may very much alter the nature of an obligation.

I have only one more observation to make on this subject, which is, that precise accounts of a transaction of this nature, cannot be expected. I am persuaded that Mr. Cooke, Mr. Butler, and Mr. Murphy, meant to give a faithful account of what had passed; but yet their recollections are so different, that in many instances they do not agree, in some they contradict each other.

The Reverend Mr. Cooke, who was present when Lord Sandwich, Mr. Butler, and Mr. Murphy met, has so unlucky a memory, that he recollects nothing which had passed in that conversation, which could possibly tend to prejudice Lord Sandwich, or serve Captain Baillie.

MR. BUTLER deposes, May 4th, P. 113.

That Lord Sandwich said, "That with respect to what Captain Baillie had mentioned of Captain Kirke, he believed he was much mis-informed, as Captain Kirke did not wish the change which was there mentioned."

Page 121.

And yet Mr. Murphy, speaking of the time when Mr. Cooke was present, deposes, *that Lord Sandwich said the Directors cannot act with him, they have presented a new Memorial against him.*

End of page 114.

And yet Mr. Butler asserted, that Lord Sandwich did say so; and Mr. Murphy, page 121, confirms it.

Page 122.

And yet Mr. Murphy swears, that Lord Sandwich said, he believed there was a great deal of right and a great deal of wrong in Captain Baillie.

Page 122.

And yet Mr. Murphy swears, that Lord Sandwich said his place may be 600l. a year, and I know if a man loses 600l. a year, and has no other fortune, he must be distressed.

Page 122 and 123.

And Mr. Murphy, nevertheless, deposes, that Mr. Cooke said, that book (meaning the printed book in two cols). must be published, "I told him that would do no good,—and that if it was published in two columns, I should advise Captain Baillie to print a third to it."

Page 115.

However, Mr. Butler, declares Lord Sandwich said, he should consider it as a DEFIANCE, if Captain Baillie did not resign his Office.

Page 115.

And yet Mr. Butler as positively swears, that when he read to Lord Sandwich Captain Baillie's proposal, in which his office was stated to be 600l. a year, that Lord Sandwich replied, *it was no such thing*, and that he is very certain Lord Sandwich did not say to Mr. Murphy, that when he had stated Captain Baillie's place to be 600l. a year, he had stated it fairly.

These differences, shew how little dependence can be had on the precise recitals of conversations at such a distance of time; and consequently, how little we are able to judge of a point of honour depending entirely on that precision. Much credit is to be given

to Captain Baillie's universal good character, as a man of honour and integrity. And therefore, it would be both cruel and unjust, to censure him on a matter, of which we have such imperfect accounts.

But,

But, my Lords, I have done with this negotiation, and return to Greenwich Hospital, and I ask whether Captain Baillie is to be ruined for his attempts to redress the abuses of the Charity over which he presided?

Let me ask what are the crimes with which he is charged?

Every witness examined, whether friend or foe, has certified to his reputation, as a man of morality and honesty; his services as an officer, are admitted, and his zeal for the pensioners stands uncontradicted.

The sole offence alledged against Captain Baillie is, that he is a man of a vexatious temper, and of impracticable manners. These, if true, are faults most certainly; but they are such, as though they render society unpleasant, do not render a man criminal; and never, that I have heard of, have been assigned as reasons for depriving any person of his corporate office. Admitting, however, that Captain Baillie is a man of that temper, and of those manners; before his being vexatious and intractable becomes a reason for punishing him in so high a degree, or perhaps, of punishing him at all, we ought to know, upon what sorts of matter he is vexatious, and in what sort of society he is intractable. Nothing in the world is so vexatious against abuses as strict enquiry.—Nothing so intractable among gentlemen of easy morals, as a man of rigid virtue. I confess I do not know any thing that can be such a nuisance, as a man of stern and uncorrupt integrity, in a society made happy and unanimous by a participation of jobs, by mutual connivance, and the perfect equality among themselves that arises from a thorough consciousness, that not one of the company is a jot better than his neighbour.

I am perfectly satisfied that Captain Baillie, whilst he did great service to the poor pensioners, did infinitely disturb the tranquility of the Officers; and all they who are of opinion, that the government of hospitals, as well as that of kingdoms, was made for the pleasure of the Governors, and not the benefit of the Governed, will think his conduct was atrocious.

But such of your Lordships, who may be of different sentiments, and who reflect, that the greatest reformers have rarely been men of the best tempers, will pity the imperfection of human virtue; and will think Captain Baillie's moroseness rather the object of reprimand, than of the utmost punishment the Admiralty had the power to inflict. They ought to have commended and seconded his zeal, and exhorted him to more conciliatory manners; and not have deprived him of his office with disgrace, whilst they continue to employ, trust, and care for, a recorded cheat, who triumphs in the destruction of Captain Baillie, who had the delusive victory of defeating him in a court of justice.

Whilst Mr. Mellish is enriching himself with all the contracts of the Navy, I think it behoves your Lordships, who have been able to judge of their comparative merits, not to let Captain Baillie starve. I shall not move that he should be restored to his office, I might be told that he has a legal remedy against his illegal removal; and I am sensible, that after all that has passed, he could not lead a happy life in Greenwich Hospital. I only wish for him some provision, such as his Majesty shall think him deserving, such as the Earl of Sandwich thought him deserving, subsequent to every complaint which has been alledged against Captain Baillie.

I shall now submit to the Committee the following report:

It is moved, That the Chairman be directed to report to the House,

That the Committee have read the several papers referred to them by the House, and have examined several witnesses touching the affairs of Greenwich Hospital.

That it appears to the Committee, that abuses of various kinds have at different times crept into the management of the said Hospital.

That the Committee do not judge it necessary to trouble the House with any account of those which have been corrected, or with such as are either of small importance, or likely to meet with redress from the present constitution of the Hospital.

But the Committee think it their duty to lay before the House an account of some of the abuses which still subsist and are worthy the attention of Parliament, especially as some of them appear to the Committee to have arisen from provisions introduced into the new Charter, and to require such remedies as the interposition of the Legislature is alone competent to afford.

That the principal abuses at present existing, come under the two following heads:

First, the introduction of landmen, to a very great extent, into various departments of the government of this Naval Hospital, most of them in breach of the express provisions of the original Commission, and of the present existing Charter.

Secondly, The refusal or neglect of redress from the different Boards in whom the management of the Hospital is placed, particularly in the General Court, in appointing a partial and interested Committee, to enquire into the complaints of the Lieutenant-Governor, the unjustifiable conduct of that Committee, and the illegal proceedings of the Board of Admiralty, in removing the said Lieutenant-Governor from his office, without ever hearing him in his defence, or even so much as alledging against him any specific charge of misbehaviour.

UNDER THE FIRST OF THESE HEADS,

It has appeared to this Committee, that five of the present members of the Council, viz.

William Eden, Esq. Auditor.

John Ibbetson, Esq. Secretary.

Rev. John Cooke, } Chaplains,

Rev. John Maule, }

Mr. John Godby, Steward,

are not seafaring men, or such as have lost their limbs, or been otherwise disabled in the sea service, as required by the Charter of the said Hospital.

That besides the above-mentioned five Members of the Council, there are twenty-one other persons who hold offices in the said Hospital also contrary to the Charter, viz.

— Furbor, Schoolmaster.

John Pocock, Dispenser.

Francis Cook, Secretary's Clerk.

Daniel Ball, Steward's first Clerk.

Philip Lewis, } Mates to ditto.

James Skeene, }

Alexander Moore, Master Cook.

Roger Hunt, Mate to ditto.

Nicholas Levit, Scullery Man.

Robert Ruffel, } Butler's Mates.

William Garner, }

James Lane, Porter.

David Storey, } Surgeon's Assistant.

Thos. Carnarvan, }

William Wheatley, Dispenser's Assistant.

Stephen Hickman, Brewer.

William Dickey, Turncock.

William Diskey, Labourer.

Robert Mylne, Clerk of the Works.

Mr. Paunceford, Clerk of the Council.

James Huggin, Labourer.

That of the three Matrons, now belonging to the said Hospital, two of them are neither widows, nor daughters of seamen; while the widows of Captains, in the Royal Hospital, have in vain petitioned for these appointments.

That there are likewise twenty-five other employments, some of them very considerable and lucrative, which

which not being denominated offices in the house, may not fall within the express provisions of the Charter, to be held by seafaring men; but as there is no art, or skill required for them, which a man who has served may not be possessed of, it is contrary to the object and spirit of this institution, when seamen, properly qualified can be found, not to give them the preference over landmen, who have no pretensions to the benefit of this Naval Charity. These offices consist of,
Surveyor, Clerks, &c. not lodged within the Hospital.

James Steward, Surveyor.
William Ferguson.
Henry Taylor.
George Hambley.
J. Samworth.
George Smith.
John Elder.
Lufton Ralfe.
George Pope.
——— Pierfon.
John Smith.

11

Persons holding under the Derwentwater Estate.

Doctor Scott.
——— Lancaster.
James Turner.
Nicholas Walton.

4

Persons belonging to the Sixpenny-Office, on Tower-hill, all paid by the Hospital Fund.

Thomas Hicks.
J. Cleveland.
J. Beverly.
J. Bryan.
H. Mattocks.
William Gray.
Charles Eve.
J. Dalley.
Margaret Scold.
William Newnam.

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That the office of Architect is the only one belonging to Greenwich Hospital, to which it appears, that a seaman may not be competent. But it does not appear that such an officer is at all necessary. When new works are carrying on, an eminent Architect, like an eminent Painter, may be employed without loading the establishment with such a permanent office, as is particularly pointed out in the Commission, but entirely omitted in the Charter. It is still less necessary for the Hospital to have, as at present is established, two Architects, Mr. Stewart and Mr. Mylne, under the different denominations of Surveyor and Clerk of the Works.

UNDER THE SECOND HEAD.

With respect to the Court of Directors, it appears to the Committee, That a most shameful abuse existed for a very considerable time in the Hospital, by the contracting Butcher, Mr. Peter Mellish, supplying the poor pensioners with bull beef, and meat of the worst kind, worth only fourteen shillings *per* hundred weight, instead of the best fat ox beef, for which he was allowed thirty-two shillings and sixpence *per* hundred weight. And although the said Mellish was, in the year 1776, convicted in a court

of law of this detestable fraud, in no less than *ten* instances, and was afterwards sued for *fifty* other breaches of his Contract; which he was suffered to compound, yet the Directors, instead of marking so infamous a cheat, by excluding him from all future dealings with the Hospital, have ever since continued to give to the said Mellish fresh Contracts for supplying the whole Hospital with meat for a twelve-month, under an idea, as one of the Directors deposed at the Bar of this House, that although a man had been guilty of a fraud towards the Hospital, yet if he offered to serve for less money than any other person, there was an obligation upon the Commissioners and Managers of the Hospital to employ that man so convicted.

It also further appears,

That the practice of chalking off (whereby money is given twice a week to the pensioners, in lieu of meat and cheese) still continues to subsist, notwithstanding the unanimous representation of the Council on the 9th of August, 1776, to the Board of Directors, "That such practice is not only contrary to the establishment, but injurious to the health and morals of the pensioners, and is attended with many inconveniencies, improprieties, and irregularities, and ought to be totally abolished." (Page 42.)

With respect to the General Court, and the Committee which they appointed, it appears,

That the foregoing, and other matters of complaint, were in the printed Case of the Royal Hospital for Seamen at Greenwich; laid before the First Lord of the Admiralty by Captain Baillie, the Lieutenant-Governor, accompanied with a letter, March 7, (page 74) and afterwards on the 26th of March, 1778, transmitted to the Secretary of the Admiralty, to be by him officially laid before the Board, with a request from the said Captain Baillie, "that their Lordships would be pleased to summon a full and General Court of the Commissioners and Governors, according to the true intent and meaning of the Charter, to whom he most ardently wished to appeal, and prove the charges therein contained; hoping that to make such a Court efficient, it might be *advertised* three times in the Gazette, as well as summonses sent (page vii.)"

That a General Court of Commissioners, and Governors of Greenwich Hospital was according called, but without such advertisements or general summonses, and sat at the Admiralty on the 14th of April, 1778. At this Court it was resolved; that,

Sir Merrick Burrell,
Mr. Cust,
Mr. Savary,
Mr. Barker,
Mr. Wells,
Mr. James,
Mr. Reynolds,

should be a Committee (of whom three to be a quorum) to investigate the grounds "of the several charges contained in the above-mentioned book; and they were desired to proceed upon that business with all convenient dispatch, at such times and places as they should think most proper for the purpose; and when they had compleated such investigation, to let the Lords of the Admiralty know it, that another General Court might be called to receive their report."

That Captain Baillie objected to the said Committee, as composed of *Directors*, persons against whom his complaints chiefly lay.

That notwithstanding his objections, the said General Court appointed the said Committee, consisting of the seven persons above-named, who are all of them Directors.

That Captain Baillie in his letter of the 18th of April, 1778, to the said Committee, protested against their proceedings. Page vii. Letter, No. 6.

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That

That notwithstanding the said Protest, the said Committee met at Greenwich Hospital, and sat seven days, but would neither suffer Captain Baillie to proceed in his own way to prove his Case, nor enquire into "any matters respecting complaints against either the Court of Directors, the General Court, the Governor, Board of Admiralty, or First Lord of the Admiralty;" but confined their enquiry merely to such parts as respected the officers who had complained to the General Court. And in the prosecution of this enquiry, the said Committee suffered Mr. Morgan, as Counsel for the said Officers, to direct the mode in which Captain Baillie should proceed to make good his charges, frequently refusing to hear his witnesses.

That no one member of the said Committee attended the whole seven days which it sat, but that, nevertheless, a report of their proceedings was made to the General Court, and signed by two of the Members, who had sat as Presidents, one of whom had been present only two days out of the seven; but declared at the Bar of this House, that he had signed for the proceedings of the whole seven days. (Page 107.)

That at the General Court of Commissioners and Governors, held on the 12th of August, 1778, when the report of the Committee was read, Captain Baillie in his letter of that day again protested against the proceedings of the said Committee, as well as to their being constituted of Directors only, and desired that the General Court would themselves review the proceedings of the Committee, offering immediately to produce before the said General Court, witnesses and affidavits to prove every part of his complaints. (Page 70 to 79.)

That at the said General Court, the following Resolutions were moved and agreed to, viz. "That the several charges contained in Captain Baillie's book, which have been examined into by the Committee appointed for that purpose, appear generally malicious and void of foundation, and tending to disturb the peace and good government of the Hospital; and

"That a copy of the report of the said Committee, be, therefore, laid before the Lords Commissioners of the Admiralty; and that it be submitted to their Lordships whether for the better government of the Hospital, it may not be advisable to remove the said Captain Baillie from his employments of Lieutenant-Governor, and one of the Directors thereof."

With respect to the Board of Admiralty, it appears,

That on the 12th of August 1778, the same day on which the Lords of the Admiralty received from the General Court the report of the Committee, and their advice to remove Captain Baillie, their Lordships immediately resolved, "That directions should be forthwith given to Sir Charles Hardy, Governor of the said Hospital, to cause Captain Baillie to be suspended from his employments, both as Lieutenant-Governor and Director, and one of the Council of Greenwich Hospital, till further order."

That the said Captain Baillie requested, by letter of the 14th of August, 1778, Mr. Stephens, "to move the Lords of the Admiralty, to direct that he might be furnished with a copy of the order, by which he was suspended," but could never obtain the same. Page ix. Letter, No. 9.

That Captain Baillie, in his letter of the 1st of December, 1778, to the Lords of the Admiralty, entreated to be restored to his station in the said Hospital. Page xl. Letter, No. 11.

That Captain Baillie, in his letter of the 8th of December, 1778, to Mr. Stephens, "requested that the Lords of the Admiralty, or General Court, would give directions that he might have a true copy of the report made at the General Court on

"the 12th of August by the Committee of Enquiry," but was refused the same. (Page xl, No. 13 and 14.)

That on the 25th of December, 1778, the Lords Commissioners of the Admiralty resolved, "That the said Captain Baillie, for his misbehaviour, as stated in the report before-mentioned, be removed from the offices of Lieutenant-Governor, one of the Directors, and one of the Council of Greenwich Hospital." Page xl. Letter, No. 15.

That Captain Baillie again applied for a copy of the report, in his letter of the 30th of January, but could not obtain the same. Page xli. No. 18.

That it does not appear that the said Captain Baillie ever was called, or appeared before the said Board of Admiralty, or was ever heard before the said Board, touching his complaints, or those made against him.

That it appears to this Committee, that the words of the Charter by "authorizing and empowering the Board of Admiralty to displace, move, or suspend any officer for his misbehaviour," the said Board could not legally suspend or remove the said Captain Baillie from the offices of Lieutenant-Governor, one of the Directors, and one of the Council of Greenwich Hospital, without imputing to him some specific charge of misbehaviour, and bearing him in his defence, neither of which necessary steps the said Board appear to have taken on the present occasion.

That, besides what has already been mentioned, under the two heads of the introduction of landmen, and the misconduct of the several Boards concerned in the management of Greenwich Hospital, the Committee have to observe, on the alterations which have been made in the Charter from the original Commission, transferring to the Board of Admiralty the disposal of all employments held under the Hospital, the recommendation of which, was, by the Commission, placed in the General Court of the Commissioners. This great increase of patronage to the Admiralty, which seems to have been the main object of the Charter obtained in 1775, appears to the Committee to be prejudicial to the good government of the said Hospital, inasmuch as it creates a sort of mutual interest and connection between those who ought to be kept entirely separate and distinct, the executive officers of the Hospital, and those who should superintend that execution, in order to come at abuses when they exist.

That the said Charter also varies from the original Commission in other, and no less material circumstances, both of insertion and of omission. New powers, susceptible of abuse, are inserted, and the old provisions, prohibiting of abuse, are omitted; two circumstances, which, combined, appear to this Committee of a very suspicious nature. The clause added being the creation of a power to sell, alienate, and exchange the estates and effects of the Hospital; and the clause omitted being a strict charge, command, injunction, and requisition, that none of the said estates or effects should be diverted, used, or applied, or be in any wise applicable to any use or purpose whatsoever, other than the charitable purposes of the said Hospital, or to defray the necessary charges relating thereunto.

The Committee see no necessity for these alterations, and are of opinion that it is better, when any material changes in the property of the Hospital are intended, to have recourse to Parliament for an act for such particular purpose, as was lately the case in an exchange of lands between the Duke of Northumberland and Greenwich Hospital.

That in order to remedy the abuses before-mentioned, to confine this great naval foundation to the sole object for which it was first instituted, the benefit of seafaring men, and to restore the spirit of the original Commission, from which the Charter has essentially

tially deviated, the Judges be directed to prepare a bill for rescinding the Charter for incorporating the Commissioners and Governors of the Royal Hospital for seamen at Greenwich, bearing date 6th of December, 1775, and for substituting a new Charter in lieu thereof, restoring to the General Court of Commissioners and Governors "the power of recommending to the Board of Admiralty all officers necessary to be employed in and for the said Hospital, with directions to the Board of Admiralty to appoint all such officers accordingly, except the Governor and Treasurer of the said Hospital, with express provisions, that all such persons to be so recommended, and admitted into the said Hospital, as Officers of the House, or otherwise, be seafaring men, or such who shall have lost their limbs, or been otherwise disabled in the sea service," as was directed by his Majesty's Commission, of the 28th of May, 1763.

That if any exceptions to this general rule shall appear necessary, the same may be specified in the said bill.

That no person shall be admitted a seafaring man, and as such, capable of being appointed an Officer of the House, or of being lodged in Greenwich Hospital, unless such person shall have, *bona fide*, served four years at sea; or shall have been disabled in the sea service.

That all women employed in the Hospital, as Matrons, Nurses, or otherwise, be widows of seamen.

That none but such persons as have served as Officers in the Royal Navy, be Members of the Council.

That the General Court shall meet once in every month, or oftner, if there should be occasion.

That the Commissioners and Governors, shall in future consist of all the Flag Officers of his Majesty's fleet, and none other.

That a certain number of the said Flag Officers shall attend by rotation, whilst they remain on shore.

That all vacancies shall be recommended to be filled up by such of the members as shall attend the said General Courts.

That two of the Flag Officers, the Governor, the Lieutenant Governor, Treasurer, Auditor, and senior Captain, be a Court of Directors for the purposes expressed in the late Commission.

That the Board of Admiralty shall, at all times, have the inspection of the books containing the proceedings of the General Court, Court of Directors, and Council, and shall retain the power given them by the Charter, to displace, move, or suspend any Officer, or Officers of the said Hospital, for his or their misbehaviour, not excepting the Governor or Treasurer.

That in consideration of Captain Baillie's having been illegally removed from the office, by the Board of Admiralty, and of the zeal he has uniformly shewn in the course of seventeen years that he has been in the said Hospital, it is recommended to the House to address his Majesty, to confer on Captain Baillie some mark of his Royal Favour.

The above is a Copy of his Grace the Duke of Richmond's Speech, a few References excepted.

Abstract of the SPEECH of the Right Honourable Lord CAMDEN.

HIS Lordship solicited the indulgence of the Committee, for the trouble he was about to give them; and this request, on his part, became the more necessary, he said, on the present occasion, because, contrary to his usual habits and inclination, he found it necessary to investigate, pretty much at large,

the present question, so far as it related to the original Charter and Commission, and the alteration made in the new Charter, in 1775. These, in his opinion, produced matter on which *only* the main question turned, as had been well and truly observed by the noble Duke who made the motion.

The list of the abuses, which had been proved at the bar of the Committee, presented nothing of sufficient consequence in themselves, farther than as their existence indicated their original, the departure from the views and intentions of those Royal and Noble Personages, who were the first founders, authors, advisers, and promoters of this charity; what those views and intentions were, he should endeavour to point out, after he had regularly made his way to that part of the business.

The first matter, upon a transient view of the objects of enquiry, was to examine into the *abuses*, that *bad*, or *do still* exist. So far as the good regimen of the Hospital, the distributive justice of those appointed to preserve and give it effect, he had, for the present moment, very little anxiety on his mind. He granted, that mismanagements, when known and ascertained, ought not to be permitted to exist for an instant. That they had existed, he believed there was not a noble Lord present, however anxious to justify the conduct of the noble Lord at the head of the Admiralty, who entertained a doubt upon the subject. That many of the abuses had been *remedied*, appeared by the evidence of several witnesses examined at the bar; and he believed, and hoped, that such as came within the description of abuses still existing, would be redressed.—All complaints about shoes, stockings, bull beef, beer, &c. were at an end. If a larger sum had been given for repairing the Painted Hall than ought to have been, the worst that could be said was, that it was a *job*, for the impropriety of which no individual was specifically responsible; so the matter rested in respect of several other heads of complaint. They arose from the *constitution* of the Hospital, and the improper exercise or abuse of the powers created by the Charter. The mismanagements were not *positive*, or *original*, but indicative. The Charter did not say, employ *landmen* in all civil offices in the Hospital; it did not vest in the Admiralty Board, or the First Commissioner at that Board, with the absolute and uncontrouled direction of Greenwich Hospital, its revenues, and internal regulation and police; but if such a power was assumed, or exercised; if all check or legal interposition, between the Admiralty Board and the pensioners, was suspended or surrendered by the persons appointed to stand between the Board and the pensioners; if, from this circumstance alone, this power falling into improper hands by delegation, to persons who might find an *interest* in *abusing* it, it would amount to this, that the mismanagements and abuses were the *effect*, and the usurped powers of the Admiralty Board the *cause*.

He was ready to acknowledge, that the First Lord of the Admiralty was *not* the original author of this departure from the professed intention of those who framed the original Charter. His Lordship trod only in the footsteps of his predecessors, many of them as great, as worthy, and honest men, as ever adorned the annals of this country. As the institution grew older, it gradually deviated from the first principles; and, as far as he could understand, a great many years had intervened, since the powers of the Court of Directors and of the General Courts answered any other purpose but to meet, deliberate, and determine, according to their ancient forms, but really only to carry into execution not what might appear to them the most necessary and proper measures, but whatever the First Lord of the Admiralty for the time being, no matter who, might think proper to direct.—And in this part of his speech, he said, he could not omit, without manifest injustice, testifying his highest *approbation* of the *open* and *candid* conduct of the Earl of Sandwich; for while several of his noble friends, throughout the course of the fourteen or fifteen days of

of the enquiry, had laboured with all those talents and great professional knowledge [supposed to mean the Lord Chancellor and Lord Bathurst] for which they are so justly distinguished, to prove that Lord Sandwich had nothing at all to do in the business; that the Council did *this*, the Directors did *that*; the General Court had desired that Captain Baillie should be dismissed; his Lordship, when he came to make his *defence*, spoke out like a man; and, despising quibbles and evasions, which were as much beneath his rank and dignity, as unworthy of his particular situation, in respect to the Hospital.—Said the noble Lord, “It was I improved the revenues of the Derwent-water estate almost double; it was I built a larger kitchen; it was I put the foundation upon such a footing as to procure conveniences and support for the admission of *two*, instead of *one* thousand pensioners; and instead of seating six hundred pensioners with great difficulty and inconvenience at dinner, it was I was the occasion that *now* twelve hundred can be accommodated, with ease and satisfaction.”

From so indubitable a testimony as the noble Lord's own words, he should argue upon it as so much incontrovertible proof, that the present management and regulation of Greenwich Hospital was in the single hand of the noble Lord; and, from that very circumstance, shew, that the Charter, if not grossly violated, had been imperceptibly departed from; and that of course the present executive powers, exercised by his Lordship, and several of his predecessors in office, were no more correspondent to the executive powers vested in the corporate body on its first formation, than absolute despotism, in the execution of limited powers, is correspondent to the constitution of a limited government.

The original Charter and instructions to Prince George of Denmark, in April, 1704, creates a corporate body, styled the Directors, &c. of Greenwich Hospital. Certain persons, some of the most noble and distinguished personages in the kingdom, are, by virtue of their respective offices, appointed Governors and Members of the General Court. A Council is constituted for the internal regulation of the Hospital, who are to report every matter properly cognizable by the powers entrusted to them, to the Court of Directors, and the Lord High Admiral, or Admiralty Board, is invested with the executive trust, or superintendence of the whole; or, in other words, to give such directions as the constitution of the Corporation authorises. It will be worthy of attention to see how far the executive powers growing out of this constitution have been properly exercised.

The Charter says, that all civil officers, or which amounts precisely to the same thing, that all officers who are to be appointed to places in the Hospital, shall be seafaring men, or persons who have been at sea, or disabled in the sea-service. Here is a positive direction, describing the persons who shall be eligible. But several arguments have been resorted to in order to shew, that this was not the intention of the original institutors of this noble charity. The very first establishment, formed in the November following (1704) under the Charter and Commission for giving it effect, gives evidence of the direct contrary; the impracticability of seafaring persons or disabled seamen to discharge the functions prescribed by such offices; and the usage of more than half a century, in the mode of electing the civil officers, afford so many proofs, that if it ever prevailed it only prevailed in a few instances, and rather arose incidentally than from system; that men bred at sea, or disabled there, were totally unfitted by habit to fill many of the civil offices; and that there was not a single vestige appeared in the records of the Hospital, respecting any usage of the kind to have ever been adopted or adhered to.

To the last of these he should first reply, that such an usage had existed was incontrovertibly evident, because the records of the Hospital shewed that the General Court had continued regularly to recommend, and that the Commission restricted the Admiralty

Board to make choice out of the persons so recommended, who were nor could be no other but seafaring men, or disabled seamen. He was equally clear, that there was not a single civil employment, within or without the Hospital, but two, which seafaring men, not perhaps in all instances disabled seamen, were capable of filling; and he begged their Lordships to reflect, how many species of naval military disability there may be short of rendering a man incapable of filling a civil office and employment. And here a thought struck him, which was, that the only two offices retained for the disposal of the Crown, the Governor and Treasurer, which, as far as they respected (the latter indeed was out of the question) Greenwich Hospital, were civil employments, a single instance had not been known in which either of those places had been bestowed on a landman by any one of the four Princes who had sat on the Throne since the year 1704.

The other point, which had indeed been pressed by the noble Earl, with great seeming eclat, in what he called his defence, but what he should ever consider to be no more than the noble Earl's speech, was, that out of the whole number appointed under the Commission, in November 1704, to Civil Offices, twenty-one were landmen. He should be glad to forget that circumstance. He believed the noble Earl knew nothing of that very suspicious business. Perhaps Mr. Maule, in searching the Register, might have done it hastily, or negligently: he wished, for his own character, he had been more careful and correct, as well as for the noble Lord's own private satisfaction: but he confessed he heard the noble Duke's account of the Minutes and Register with astonishment, when his Grace proved, as far as his enquiries went, or he was so fortunate as to procure authentic documents, that five out of the twenty-one reported in Maule's list, proved not to be landmen, but seamen, some of them of known and meritorious service.

His Lordship having proved, in a most masterly manner, the real intended Constitution of the Hospital, observed, that it carried the seeds of abuse and mismanagement in its very first formation. A great number of the first men for rank and quality in this kingdom, were constituted a part of the corporation; great officers of State, persons occupying certain posts under the Crown, and Privy-Counsellors, &c. but no specific means had been provided either to enforce their attendance, or to compel the executive power of the Hospital to give them notice, by summons, to attend.

He believed it had been agreed and ruled as law, that Governors could not act as visitors, or attend without due notice. If so, this was the real and true source of all the mismanagement which took place in the Hospital, and of the total departure from the original Charter; for if, on one side, the members of the corporation could not attend, and on the other, that the First Commissioner of the Admiralty had it in his power to forbear to summon them at his pleasure, the evident consequence and effect were, that the First Commissioner, or the Admiralty Board, being invested with a power of summoning whom they pleased, it would, at all times, and upon every occasion, be in the power of that Board to controul the proceedings of the General Court, and direct it to such purposes only as such a power wished to carry into execution.

The bringing back the Constitution of the Hospital to its first avowed and intended principles, was, in his opinion, a matter well worthy the interposition of Parliament; no other power was competent to the task; and this consideration, he said, would conclude the first object of his rising, followed by this additional and cogent motive for urging the necessity of such a measure, the alteration or change made in the new Charter granted in 1775.

This, perhaps, as to the proceedings previously, and the means finally adopted, was one of the most extraordinary transactions that ever came before that House,

House, or the British Parliament. One of the witnesses at the bar, a Mr. Everest, a young man, who, from his own acknowledgement, was totally incompetent to the task, is desired to search an unfrequented dusty room, for a parcel of papers, of no description. Well, after sweeping off the cobwebs, what does he next do? he gathers a bundle of he knows not what, and gives them to a man, his partner, as much too old as he was too young; and this old man does something, of which he confesses himself equally ignorant. After the drudgery of the young man and the old man, some crude indigested memorandums, of former inconveniences, stated to have arisen from some parts of the original Charter, are presented to a Mr. Eden, a very worthy Member of the other House, and Auditor of Greenwich Hospital. What then? from these precious documents Mr. Eden forms his opinion of what is right, expedient, and necessary, and presents it to the two first law officers of the Crown, Lord Thurlow, then Attorney-General, and the present Attorney. What do they do? he presumed, looking upon the matter to be merely a matter of course, for he had the highest opinion of their ability and integrity, they make no observation of any kind, but add only, that the Treasurer may in future be obliged to give security for the trust reposed in him: and during the enquiry, it has come out in proof from the Secretary, Mr. Ibbetson, that the noble Lord at the head of the Admiralty knew nothing at all of the matter; a circumstance which could hardly obtain credit, if it had not been so respectably authenticated; in which transaction he begged permission to say, the noble Earl had been extremely ill-treated, his Lordship, as he observed before, having taken the responsibility of every thing on himself, respecting the good management and government of Greenwich Hospital. Mr. Everest looks for papers which no man desired him to trouble himself about; his partner draws up something, of which he knew nothing; Mr. Eden upon this something, forms another something, which he lays before the law officers of the Crown; and the law officers of the Crown, without taking any notice of the subject matter referred to their consideration, make an amendment to the paper referred, by adding, that the Treasurer in future shall be obliged to give security for the due and faithful performance of the trust reposed in him.

His Lordship then proceeded to comment on the new Charter, and endeavoured to shew, that it went either to an abridgement of the powers vested in the corporate body by the old Commission, or to the confirmation of the powers usurped by the Admiralty Board; and particularly observed, that it took away the right of recommendation invested in the General Courts, created new powers relative to the management, direction, and disposal of the revenues arising from the Derwentwater estates; and ultimately and substantially, vested the whole of the liberative and executive powers of the corporation in the First Lord of the Admiralty. On these several grounds of abuse, as well as misuse of the powers first created, he was clearly of opinion, that Parliament, and Parliament only, were competent to reach and exterminate the evil in its inmost recesses, and and once more restore the most deserving body of men, the pride and glory of this country, its best bulwark, and last refuge, in the moment of distress, from the accumulated oppressions and injuries they at present laboured under.

On the second point contained in the noble Duke's proposition, he should content himself with a very few words. Captain Baillie had published a book; he scarcely believed there was any Lord present who doubted of the truth of the most material facts therein asserted: if any such were present, he was not one of them; he was persuaded they consisted of a very small number. In point of law, he would not undertake to defend every passage in Captain Baillie's book; he might be intemperate, hasty, and not well-warranted in every single minute circumstance.

* As soon as these extraordinary Resolutions were moved for, a great number of Peers of the first rank, fortune, and abilities, immediately quitted the House.

Some of the matters therein set forth might be libellous; but allowing the worst, and qualifying the most meritorious part of Captain Baillie's conduct, he thought him a meritorious man; a man to whom his country was highly indebted; a man whom every honest seaman must for ever revere; a man, whom the present and future pensioners of Greenwich Hospital ought to look up to with gratitude, affection, he might add, veneration for his memory, and the warmest esteem for his living deserts.

What had Capt. Baillie done? he stood forth as the seaman's friend, at the risk, almost at the certainty of his own personal ruin, and the overthrow of his private fortune. Convinced from every motive of justice, and every ground of reason and law, he endeavoured to recover the inalienable rights which the British seamen have been deprived of; resolved to perish or succeed, he trusted every thing to the glorious issue, and in his zeal for the profession to which he belonged, committed all his present care and future prospects, in the very unequal contest with the First Lord of the Admiralty, and all those connected with the Admiralty Board, whom, as he must know their dispositions, could have but little doubt of their ability to crush him. Like other reformers, he had fallen a victim to prejudice, party rage, persecution, and self-interest. Like the first reformers, Luther, Calvin, and John Knox, though crushed, over-looked, or neglected in the contention, he would, like them, leave behind him not only a testimony of his zeal in a good cause, but procure ease, comfort, and content to numbers yet unborn.

Having established fully the public merits of Capt. Baillie, and the vast obligations the public at large, and the navy in particular, owed him, as well from the native disposition of the noble Earl, who had already offered that gentleman an equivalent, as from his natural love of justice, he presumed that his Lordship would be one of the first to accede to the noble Duke's proposition for making a provision for that much injured officer; and the rather, as the noble Earl, by all he could perceive, had no reason to think differently of Captain Baillie, since he pledged his honour upon certain conditions, to procure an equivalent for him. If it was an act of justice at Christmas, it was so still; that it was, he had every reason to presume, because he could never suppose that the noble Lord from any personal consideration, merely affecting himself, could be induced to make a public provision for an undeserving man. His Lordship, after going very fully into the conduct of the Court of Directors, relative to the renewing the contract with Mellish, the butcher, concluded his speech with expressing his hearty assent to the Resolution moved by the noble Duke.

These Speeches were answered by the Earls of *Chesterfield* and *Mansfield*, and the Question being put, the Committee rejected the Motion, and came to the following Resolutions, which were agreed to by the House:

"That nothing hath appeared, in the course of this Enquiry, which calls for any interposition of the Legislature, with regard to the Management of Greenwich Hospital, or which makes the same necessary or proper.

"That the book, which was referred to this Committee, intitled, *The Case of the Royal Hospital for Seamen at Greenwich*, contains a groundless and malicious Misrepresentation of the Conduct of the Earl of Sandwich, and others the Commissioners, Directors, and Officers of Greenwich Hospital, with regard to the Management thereof.

"That it has appeared to this Committee, that the Revenues of Greenwich Hospital have been considerably increased, the buildings much enlarged and rendered more commodious, and the Number of Pensioners greatly augmented during the Time in which the Earl of Sandwich has been First Lord of the Admiralty, who has, upon all Occasions, shewn great Attention and Impartiality in forwarding the true End of that noble Foundation.*"

UPON the conclusion of this business, Captain Baillie, (who had been removed from his office near six months before this enquiry began) wrote to the Secretary of the Admiralty, requesting to be employed in the line of his profession as a sea officer; and near five months being elapsed, and not being appointed to any ship, it strikes Captain Baillie, that mankind (from certain insinuations thrown out by Lord Sandwich's Counsel, in the course of the enquiry), must think him totally disqualified for any service whatever; he therefore presumes to add to these proceedings, already too voluminous, the following letters, in support of his character in Greenwich Hospital, and at sea; as also his letter to Mr. Stephens, the Secretary of the Admiralty, requesting a ship, with his answer thereto.

C O P I E S.

To Captain, Baillie, from a late Governor of Greenwich Hospital.

S I R, Bath, April 25, 1771.

I AM sorry to find there have been some alterations in the Hospital since I left it, which I think you should have acquainted me of, as I wrote you I could not go up but at the greatest risk. Any alterations, I have been told, lay with the Governor; but that I suppose Lord Sandwich and a General Court will settle, as I am informed there is to be a General Court held upon it. Is it not pity such things should happen, and the Governor know nothing of the matter, but what he hears by chance from others? I desire to know what is done, and that you will always acquaint me, in future, when any such innovation is done, or intended to be done. If the gentlemen in the Direction have a right to make alterations, they are certainly right; if not, they must excuse my not allowing it; at least the Governor's consent should have been asked, and it would only be civil in the gentlemen, as I have always been so to them; However, as I am in such a bad state of health, I cannot go up to see into these matters. Our compliments to Mrs. Baillie. Adieu. Your's,

(A Copy.)

F. HOLBORNE.

N. B. It will appear by the following letter from Admiral Holborne, which is dated the next day, that Captain Baillie did not omit his duty to the Governor; but Mr. Ibbetson's attempt to oust the pensioners being as sudden as it was irregular, Captain Baillie's letter stating the whole transaction, was not received by the Governor quite so soon as he expected.

S I R, Bath, April 26th, 1771.

I CANNOT help taking the first opportunity of approving of your conduct in this affair. I own, I was surprized at your not letting me know it before, as I heard it from another; I wonder at the Gentlemen coming into such a scheme without acquainting me. You will see the orders given, punctually complied with, and you will take care that such things are never attempted, but agreeable to the Minute lately made at the Admiralty, and no encroachments of any kind. I want none for myself, nor shall any, with my consent, be in the Hospital. It was very unmannerly to do such a thing the moment my back was turned. I do not know when I can return; it's not out of choice I stay here, I assure you; a fever and cold hanging upon me has prevented my drinking the waters most part of the time I have been here. Our compliments attend you, Mrs. and Miss Baillie. I am, Sir, your most obedient Servant,

F. HOLBORNE.

To Captain Baillie, at the Royal Hospital, Greenwich.

(A Copy)

DEAR BAILLIE,

Saturday.

YOU have acted extremely well, and with the entire approbation of Lord Sandwich; he has kept me longer in town, that I may be at the General Court. It will be necessary that old Mr. Maule attends in person, as several questions will be asked him; and Lord Sandwich has desired me to give him intimation

thereof, which I beg you will do in my name, with my compliments to him and his family, and be assured, I am, dear Sir, your faithful Friend,

And most obedient humble Servant,

G. B. RODNEY.

P. S. Keep a good look-out, that the Pen-and-Ink Men do not encroach on the Rights of those for whom the Hospital was intended, the Officers and Seamen who have faithfully served their King and Country; in that cause you must always be supported.

To Captain Thomas Baillie, at the Royal Hospital, Greenwich.

The following letter was written to Captain Baillie at the time the late Right Honourable Lord Temple presided at the Admiralty, to whom Captain Baillie was totally unknown.

S I R, Admiralty Office, March 3d, 1757.

I HAVE received and read to my Lords Commissioners of the Admiralty your letter of the 28th instant, giving an account of your having taken a French privateer of twenty-four guns, belonging to Havre de Grace; and I am commanded to acquaint you, that the Navy Board are directed to purchase the vessel without loss of time, and to register her in the list of the Navy, by the name of the Tartar's Prize, and to establish the number and nature of guns she now has, and one hundred and sixty men in her; and their Lordships have appointed you to command her, as a reward for your behaviour. I am, Sir,

Your most humble servant,

Entered at the Admiralty.

J. CLEVELAND.

Captain Baillie, Tartar, Spithead.

Royal Hospital at Greenwich, June 9, 1779.

S I R,

I BEG you will lay before the Right Honourable the Lords Commissioners of the Admiralty, my humble request to be appointed to a ship; my health being such as will, I hope, enable me again to serve his Majesty.

I trust, that the Enquiry which has lately been entered into by the House of Lords, respecting the Management of Greenwich Hospital, will not be any objection to this request.

It would not become me to contest the justice of the censure which the House of Lords has passed upon my complaints, except as to the malicious intention imputed to me, which, as no man can judge of but myself, I most solemnly protest never entered into my breast: a redress of what I conceived to be abuses, was my only object and pursuit.

If an over zeal for the service has carried me too far, and has led me into any improper behaviour, I am sorry for it.

I have already suffered very heavily by the prosecutions in Westminster-Hall, and by the removal from my office, after near forty years faithful service.

I trust, however, there is no intention of completing my ruin; and I hope that the concurrent testimony of every person examined before the House of Lords, as to my integrity, and the Earl of Sandwich's declaration, that he has not attacked my professional character, will induce their Lordships to consider my service at sea, of which testimonials are in your office, when I had the honour of being made a Post Captain, and which, I hope, will engage their Lordships to give me a ship, or to make for me such other provision as to their Lordships shall seem proper. I have the honour to be, Sir,

Your most obedient, and most humble Servant,

T. BAILLIE.

In answer to the above.

S I R, Admiralty Office, June 11, 1779.

I HAVE received your letter of the 9th instant, desiring to be appointed to a ship, and have communicated the same to my Lords Commissioners of the Admiralty. I am, Sir, your very humble servant,

P. STEPHENS.

Captain Thomas Baillie, Greenwich Hospital.

F I N I S.

